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Madras Revenue Register

THE REVENUE REGISTER.

No. 1.]

MADRAS:—THURSDAY, JANUARY 15, 1874.

[Vol. VIII.]

MADRAS REVENUE RECOVERY ACT, II OF 1864—I.

THE disparity between law and abstract justice is nowhere so strikingly exemplified as in the working of the Madras Revenue Recovery Act, II of 1864. The Revenue system of the Madras Presidency may not inaptly be likened to a vast private estate managed for its owner by agents who are unacquainted with the cultivators and the variety of interests possessed by them; but who, being invested with complete and arbitrary authority as regards the collection of rents, use that authority with no sparing hand in enforcing payment to the last farthing, regardless of from whom it is exacted, or of the rights trampled down in their reckless career. It may be a startling fact, but it is nevertheless true, that our Revenue authorities do not in many cases know, nor do they care to know, who is the actual owner and occupier of Government land, and as such responsible for the dues of Government. This anomaly is attributable to this circumstance. They recognize no one as the owner of land who has not a puttah for it in his name. The Courts of Law, on the other hand, do not regard the puttah as a title-deed of property, and often declare others than the actual puttah-

holders to be the owners of the land in question. As a natural consequence, puttahs are not so eagerly sought after as they should otherwise be; and to make matters worse, the Revenue authorities, whose interest it ought to be to facilitate the registry of all titles, so as to ensure the correct and equitable realization of the Government demand, positively throw obstacles in the way of such registration by refusing to grant puttahs for fractions of survey fields. A puttah is granted by the Revenue authorities when Government waste land is applied for and assigned for cultivation, and the puttahdar is then registered as its owner and is ever after looked to for payment of the Government revenue; but there is no compulsory provision for correcting this registry when the ownership is changed, i.e., when the puttahdar, in exercise of his undoubted right, alienates the land by sale, gift, mortgage, or otherwise: he may thus divest himself of that which constituted his liability to pay rent to Government, viz., the occupancy of Government land, without even intimating the fact to the authorities; so that, if after such alienation, the Government dues happen at any time to be unpaid, the puttahdar is still considered the landholder, and service of notice on him is deemed sufficient to justify a recourse to the coercive measures provided

by the Revenue Recovery Act. This confusion, combined with the stern and arbitrary provisions of the Act itself, compel our Revenue officers every day to give their countenance and sanction to proceedings which their conscience condemns as unjust and harsh, but whose rigour they are powerless to check or modify. And the fact that all proceedings under this Act are initiated by, and carried out through the agency of, ill-paid and unscrupulous village officials, does not certainly diminish these evils.

We shall be better understood if we cite a few cases to illustrate some of the hardships which are of the commonest occurrence.

(I.) A obtains on darkast a survey field measuring say fifteen acres, and a puttah is issued in his name by the Revenue authorities recognizing him as its owner. He then sells a portion of it, say ten cawnies, to B, a ryot, and the remainder to C, a friend or relation of the maniarar of the village. The Revenue authorities, however, in accordance with Departmental Rules, decline to register B and C as the owners of portions of this field. B and C enjoy their separate shares and pay their proportion of the revenue. C, after a time, falls in arrears; but process is issued against A, who has long ceased to enjoy the land, as he alone is still absurdly regarded by the Revenue Department as its owner, and as the defaulter to Government. He either does not care what becomes of the land, or has run away, or is a man of straw. The first notice being unheeded, the land is attached and sold. B meanwhile remains in entire ignorance of all that is going on, and (if he lives far enough) in fancied security of his rights; for having himself been most punctual in discharging his portion of the Government dues, he "poor easy man" has no reason to suspect that

anything is wrong. The land is then purchased for little or nothing by C, the actual defaulter himself, who is thus even benefited by his default. Very probably C purposely let himself fall into arrears, in order to get B's land sold, in view to purchasing it himself. The maniarar's favour has helped to keep the proceedings secret from B; the maniarar not being legally bound to give any intimation to B, for he was not the puttahdar. He has done his duty by serving the notice on A, the ostensible landholder. The iniquity of this procedure passes comment; and yet not a single provision of the Act or of the Revenue Rules have been violated in this transaction.

(II.) A, a puttahdar, mortgages the greater portion of his puttah land to B; but puttah is not transferred to the name of the mortgagee, or cannot be transferred by reason of the mortgaged portion being less than a survey field. The latter, however, continues to enjoy the land and to pay for it; when, owing to remissness in the payment of some one kist or another, notice is served on the puttahdar A, who, of course, does not care to communicate it to B. The land is attached and the sale is to come off in due course. B comes to hear of it at the last moment, on the day fixed for the sale. He runs with the money in hot haste, and as the sale has not begun, offers to pay up the arrears and costs of process, and prays that the sale may be suspended. But the authorities are powerless to help him, as Section 37 of the Act peremptorily provides that such tender must be made "before sunset on the day previous to that appointed for the sale." B urges that but for the beating of the tom-toms and the gathering of people, he should have remained in utter ignorance of the intended sale of his land, and that he could not, therefore, have tendered the money earlier; but, stern as the bed of

Procrustes, the Revenue law knows no forbearance. It is inexorable, and must proceed with the work of ruin, not content with taking what is justly its due. The land is sold; but worse than that, any surplus that might remain out of the sale proceeds after satisfying the Government dues, is paid to A (vide Section 42), who alone is regarded as entitled to it, the Revenue officers knowing of no owner who has no puttah. A may be, and often is, a needy man; and when he finds himself, after having mortgaged or sold away all his property, with an amount of ready cash which he never expected, much less hoped, to have, what wonder if he should take it into his head to give B the slip. Nor is this all: the land has been sold *free of all incumbrances* (*Ibid*); and the mortgagee, whose only fault may have been a slight want of punctuality, is a ruined man. This may be "*Law*;" but we are constrained to ask is it "*Justice*?"

(III.) A, a puttahdar, was indebted to B, who having obtained a decree against his land, sued out execution and purchased the land at a Civil Court auction. Puttah, however, continued in the name of A, and at the time when his land was sold he was in arrears to Government; but no steps were taken to recover it from him or even from B, who continued to enjoy the land and pay the current kists for four or five years, after which he sold it to C. The latter purchased it for its full value and continued to enjoy it. The advent of an energetic Revenue officer led to inquiry into the old balances due to Government, when it was discovered that four or five years' revenue was due to Government on C's land, such arrear of revenue having accrued during A's occupancy of the land. A was served with a notice, but on such notice being unheeded, the land which had passed through so many hands and was so long

in the undisturbed enjoyment of C, was attached, notwithstanding that he had been most punctual in his own payments, and had paid a heavy price for the property in ignorance of the existence of any arrears, of which the very authorities themselves were oblivious. Thus C was compelled to pay this amount at the risk of being deprived of his land.

(IV.) A holds two separate pieces of land on a puttah. Being in arrears to the amount of Rupees 7 on field No. 1, the land is attached and sold for Rupees 15. The surplus sale proceeds, after deducting the arrears, are held in deposit to be refunded at some convenient time. Meanwhile, he again owes to Government 3 Rupees on account of field No. 2, when the village officers, to pay him off for an old grudge, attach his field No. 2, while they could well have paid themselves the amount of the arrear in question out of the surplus sale proceeds of No. 1 field, 8 Rupees of which still remain to A's credit in the public accounts, and thus have left him in the peaceful enjoyment of his property. The law gives a discretion to proceed either against real or personal property in the first instance; but however hard A's case may be, all the consolation he can get is an intimation that none of the proceedings held in the matter is opposed to the letter of the law.

(V.) Twelve persons, one of whom is a maniagar of the village, are enjoying land on a joint puttah, each however cultivating a distinct share and paying his quota separately to Government. As the Revenue authorities never take cognizance of the individual interest of each of the puttahdars in the land, nor of the proportions in which the Government dues are paid by them, the maniagar, whenever he falls in arrear, can, without violating the law, cause any one of his innocent co-sharers' portion of land to be attached or his effects distrained;

and the reason of this is that "the land," which means the whole or any portion of it, is "the security of the public revenue"* and the liability of joint puttahdars is *joint and several*.

Instances like the above can be multiplied; but these have been selected from cases that have actually occurred, and are of almost daily recurrence. It behoves us, therefore, to examine into the causes that tend to these deplorable results, and to point out some means of mitigating such evils; and this we shall endeavour to do in our next issue.

THE EUCALYPTUS AS A DEFENCE AGAINST FEVER.

THE local press has already noticed in a short extract the disease-destroying power of the Australian "*Eucalyptus Globulus*," and its capacity to reclaim swampy ground. We have now before us *M. Gimbert's* evidence on the subject, resulting, beyond the shadow of a doubt, in the efficacy of this noble tree in absorbing pestilential miasma in well known and dreaded localities. *M. Gimbert* speaks from a practical and not a theoretical point of view, and cites the farm of *Pardock*, twenty miles from Algiers on the banks of *Harnyze*—a most pestilential spot—where fever was ever present. In the spring of 1867, 13,000 of the *Eucalyptus* were planted, since which not one case of fever has occurred. With respect to its reclaiming marsh lands the writer remarks, "In the neighbourhood of Constantine, the farm of *Ben Machydlin* was equally in bad repute. It was covered with marshes both in summer and winter; but in five years the whole ground was dried up by 14,000 of these trees,

"and the farmers and children now enjoy excellent health." To talk of planting trees in thousands is somewhat of an undertaking for individual proprietors; but we see no reason why a thin belt should not be made to surround feverish villages in the vicinity of unhealthy jungles, especially since *M. Gimbert* tells us of the perfect immunity from fever, at a station house at one of the ends of a viaduct in the department of *Var*, by the planting of only 40 of these trees. So unhealthy was this station, that a year's residence was the outside limit for any official to remain, but now it enjoys the salubrity of any other station on the line. The West Indian Islands, Cuba in particular, where the tree has been largely introduced, is comparatively free from fever and other paludal diseases.

In India we do not recollect seeing the tree, except in small numbers on the Mysore plateau, and in profusion on our hill tracts; the soil and climate of the latter seeming to suit it admirably. But we see no reason why it should not grow in our coffee-producing districts, and by degrees acclimatize itself to drier soils. We recollect in our own small experience the power this tree has of absorbing water, if we may judge by its having destroyed more than one spring at Ootacamund. This quality may not perhaps be always an advantage; for to dry up a spring in a country already arid enough by nature, might depopulate a thriving village, and "the remedy," in such a case, "would be as bad as the disease." What the antiseptic qualities of this wonderful tree are we are not told; but to those who know it we re-call the pleasant odour emitted when passing in its vicinity—a smell not unlike camphor and peppermint combined. Should the tree possess the virtues given to it in the paper we quote from, we see

* Vide Section 2.

no reason why a plantation should not be made at Kalár, at the foot of the Neilgherries; and if successful, the line of rail could be extended to the extreme foot, and the deadly fever—the bug-bear of the locality—defied.

We commend the experiment to Government, and to planters and others, whose occupations lie in such localities. Our own experience is that the *Eucalyptus Globulus* will not grow in the low countries, or survive a hot season, but acclimatization may do much to remedy this. Nature, when assisted by art, is ever kind, and we see no reason why the seeds from those trees growing on the Mysore plateau should not with care be successfully germinated and reared below the ghauts. The wood of all the Eucalypti is useful for building and mechanical wants: the very leaves can be utilized in expressing from them an essential oil largely used by perfumers, and for roofing shingles as it splits even and easily.

CORRESPONDENCE.

To the Editor of the Revenue Register.

SIR,

At page 326 of the *Revenue Register* for November last, one of your correspondents has stated it as his opinion, and you seem to agree with him, that when a piece of land is sold for arrears of rent under the Madras Act VIII of 1865, the purchaser buys it subject to the incumbrances upon the land.

It has always been the practice, as far as I am aware, to view the rent on land as the first charge against it, all others being subordinate to it; and no difference has ever been made in this respect between *rent* and *revenue*. In Section 32 of the Rent Recovery Act, it is provided that "the prior claim to rent due" shall not be barred by claims of "previous sale, mortgage," &c., when the products arising from

that land are attached. When such prior claim is granted as regards moveable property, which is in the slightest degree connected with the land, it appears to me that the claim must *à fortiori* hold good with regard to the land itself. Further, in the latter portion of Section 40, it is stated that the rules regarding the sale of moveable property shall be followed in the case of immoveable property. We should consequently read the several provisions regarding the sale of moveable and immoveable property together; and by taking Section 32 along with Section 40, it seems to me clear that it was the intention of the legislature that the rent on land should have priority over all other incumbrances on it. You will observe in Section 32 that even in cases of *sale*, no title is allowed as against the rent due to the landlord, and I am therefore of opinion that your correspondent "P" is wrong in his view that D (in the case stated by him) takes the land subject to C's lien on it. The judgment of the Privy Council, cited by "P", seems to go upon the principle that, under the peculiar circumstances of that case, it would be inequitable, in the absence of positive law, to declare that the first purchaser lost his right to the land by the subsequent sale. I do not know what the Statute law is on the subject in Bengal. Here it has long been held that the land is security for its rent, and this has been upheld and confirmed by subsequent legislative enactment.

Yours obediently,

X. Y.

To the Editor of the Revenue Register.

SIR,

Observing from the advertisement in the *Madras Mail* that you wish to receive communications regarding various subjects, including cattle breeding, I wish to call attention to a suggestion made by Mr. Dykes, formerly Collector of Nellore, regarding a proposed improvement in cattle breeding in that district, whereby a very large increase might be made to the stock.

It is well known that the Nellore cattle are a very superior breed, both for heavy draught and for milking purposes, and the question arises why the breed of cattle should be better in that district than in adjoining ones, such as Cuddapah, North Arcot, &c. In point of fact, so far as I have learned, the so-called Nellore cow is the product not of the Nellore plains, but of the hilly country to the north of Ongole and the Palnâd of Guntoor, now Krishna District.

In almost all districts which breed cattle, they are pastured in the hilly ranges where the jungle grass is of a very nutritive quality; but this fact, by itself, will not account for the

pre-eminence of a particular breed, since it is common to all.

May not the Nellore breed have been originally derived from the table lands of Central India, or from Gujerat, where the cattle attain a size never seen in more southern parts.

It is stated that in Nellore the cow is not put to the bull till she attains years and is of full growth. Mr. Dykes' suggestion was to attempt earlier breeding, such as is adopted with the improved and earlier matured breeds at home, and so increase the number of calves a cow is able in the course of nature to drop.

There can be no doubt that the proposition, if adopted, would lead to an increase of stock; but, on the other hand, the native breeder may have reason for the deferred period at which the cow is put to the bull.

It may be that calves borne by a cow which has attained her full growth and strength are of a superior size and constitution to those produced by younger cows, and that this may be the reason which influences the breeders of stock; and that so far from the suggested increase being an advantage, it might lead to the deterioration of the breed.

At all events it would be a matter of interest to know the exact age at which the cow should be allowed to bear.

I have inspected vast herds of cattle grazed in the hilly taluk of Collegal and the above ghant portion of the Bowany taluk, from which are produced a valuable bullock, allied in appearance to, if not identical with, the Salem and Mysore breed: these are all sold off at 18 months or so. But I have not seen cows approaching the size and build of the Nellore cow; and so there seems some foundation for the idea that the Nellore breed of large cattle may have originally been from a northern breed.

The subject of cross breeds is also one of interest. Many years ago I was requested to send a lot of Nellore bulls to Tanjore to cross with the indigenous cow. I did not think the experiment would succeed, because of the disparity of size. But my objection was overruled, and subsequently heard that the bulls were found useless from the above cause, and were sold off at a loss. No irrigated districts, or those with a heavy rainfall, seem to produce large cattle, for the local breed in Tanjore, Tinnevely, Coimbatore and Malabar are small, and it is cheaper to import cattle from Mysore and Nellore, than to attempt to breed them locally. Even in Cuddapah and Bellary this plan is adopted by the ryots, and I have heard of as much as Rupees 600 being given for a pair of large Nellore bulls for heavy plough-

ing work, or for raising water from the deep wells. The natives are keenly alive to the value of breed. I have been offered Rupees 40 for a ten months' bull calf of the Nellore breed, which would require to have been kept two years before it could be of any service.

If, therefore, we find that the people are well aware of the value of a breed and acquainted with the best means of producing it, is there really any advantage in cattle shows? The cattle are produced not with a view to earn any "present" from Government, as the prize is looked upon, but for trade and profit.

I attended in 1854 one of these shows held at Vinuconda in the Guntoor District, and the size and quality of the bulls shown could not have been surpassed.

Is there any reason to suppose that the breed has been since improved in consequence of rewards?

The indigenous breed is shown and rewarded, but that seems all. No cattle are brought at expense and risk from distance to compete; in fact, no one will undergo such risk unless assured of success; and the reward even would not pay the expenses. There does not seem to be an analogy with Great Britain in such exhibitions: there cattle are carried with facility to the place of show; distances are not so great, and exhibitors are richer; and sales on the spot obviate loss. The result seems little better than Lord Elgin's prize of Rupees 10,000 for the best sample of cotton, which was gained by a party of European extraction, out of a few acres hired for the experiment; and the only other competitor was Ramreddy, the largest cotton cultivator of the Cuddapah District, who was induced to compete, but who was not able to render an account of the mode and principle of cultivation as required by the terms of the prize. This money could not have produced any good effect.

To sum up; what seems to be required in this country is a journal in which all improvements or useful suggestions in regard to husbandry, cattle breeding, horticulture, building, &c., might be recorded. It should not be confined to official communications, for officials are not so well posted in these matters as others, and the official record of experiments is usually a melancholy report of failures.

It should be free from personalities which, owing to the state of the digestive organs, are so frequent; and if each would contribute his quota of experience, some good might result.

Yours faithfully,

X.

Is not our Journal exactly what is required?—Ed. R. R.

HER MAJESTY'S PRIVY COUNCIL.

[BENGAL CASE.]

Zemindary—Impartibility—Succession—Special custom—Mitakshara—Dayabaga.

S. S., owner of a taluk in Bhaugulpore, died leaving two sons, M. and P. M., the elder, succeeded to the taluk, and having died was succeeded by his son D., who again demised leaving his infant daughter his heir. The question was who should take the taluk; this infant daughter, or her great uncle P.?

The case made for the daughter was that the estate was impartible and must descend in the line of the elder son. The case for P. was that the estate was joint family property; that the law of the Mitakshara prevailed in Bhaugulpore, and that on the death therefore of D., the estate fell to P. It appeared, however, that the estate was originally attached to the Zillah of Beerbhoon, where the Dayabaga prevailed, and was only recently transferred to Bhaugulpore: the further question raised therefore was whether the Dayabaga or the Mitakshara was to be applied; for under the former, the daughter would at all events succeed to the half share of her father D.; whereas under the Mitakshara, P. would succeed to D.'s half share also, subject to the daughter's maintenance.

HELD that, as the property was admittedly ancestral, P. was at all events entitled to half the taluk; but that, in the absence of specific findings and evidence on the point, the case must be remanded for trial of the issue whether in consequence of the transfer of the taluk from Beerbhoon to Bhaugulpore, the succession to the remaining half was to be governed by the Mitakshara or the Dayabaga.

Judgment of the Lords of the Judicial Committee of the Privy Council on the appeal of the Court of Wards on behalf of Mussamut Sheo Soondooree v. Pirthee Singh and others, from the High Court of Judicature at Fort William in Bengal, delivered 19th November 1872.

Present.

SIR JAMES W. COLVILLE.
SIR BARNES PEACOCK.
SIR MONTAGUE SMITH.
SIR ROBERT P. COLLIER.

SIR LAWRENCE PEELE.

THIS appeal was heard some months ago. Whilst it stood for judgment their lordships were asked to suspend their decision, in the hope that a proposed compromise would be effected. They have since been informed that the negotiations for a compromise have failed, and that the parties desire to have their lordships' judgment; which I now proceed to deliver:—

The question in the cause was the right of succession to an estate called Taluk Sunkra, forming part of Tappa Belputta in Zillah Bhaugulpore. The estate was unquestionably held by Soomaer Singh, the common ancestor of the appellant and respondent, and, having been resumed by Government with the rest of Tappa Belputta, was temporarily settled with him in 1840. Soomaer Singh died in March 1851.

The case of the respondent (the plaintiff in the cause) as stated in the plaint is that Soomaer Singh left two sons, viz., Manick Singh, and the respondent, the latter being a minor at the date of his father's death, and continuing to be so until March 1865; that Manick Singh took possession of the property, but, at least in law, held it on behalf of himself and his infant brother as members of a joint and undivided Hindoo family; that on Manick's death his son Durbejoy took his place as managing member of the joint family; that on the death of Durbejoy, leaving only a daughter, the respondent became entitled, under the law of the Mitakshara, which is the law of Zillah Bhaugulpore, to the whole estate, the daughter (the appellant) being entitled only to maintenance; but that, nevertheless, he had been dispossessed by the Court of Wards, acting on her behalf, which had since procured a permanent settlement of the property to be made in her favour.

The case made by the Court of Wards on behalf of the appellant is that Soomaer Singh left only one legitimate son, viz., Manick (the respondent being illegitimate); and, accordingly, that the estate descended from Soomaer to Manick, from Manick to Durbejoy, and from the latter to the appellant. The answer set up also an alternative defence, viz., that according to the custom and usage of the family of Soomaer Singh, and the Zemindars in the neighbourhood, the right of inheritance has generally been vested in the line of the family

of the eldest son in succession. The only issues settled in the cause (page 72) were—

1. Whether the respondent is the legitimate or illegitimate son of Soomaer Singh.

2. Whether the law of primogeniture obtains in the family of Soomaer Singh or not.

A further question, which does not appear on the pleadings, was raised in the course of the suit, viz., whether the district in which the estate is situate (Tuppa Belputta), having been transferred as late as 1795 from Zillah Beerbhoom, of which it was theretofore part, to Zillah Bhaugulpore, the general law of succession to be applied to the case was that of the Dayabaga, or that of the Mitakshara.

The respondent being out of possession, the burthen of maintaining the first issue, of course, lay upon him. And if he has not done so, his suit must stand dismissed. But if it be assumed that, as the High Court has found, he has succeeded in establishing his legitimacy, it becomes material to consider what in such a case would be the remaining questions between the parties.

The property is admitted to be ancestral; and the family, if not admitted, must be presumed to be joint. Hence, in the absence of a special law of descent, founded on family or other custom, the estate at Soomaer's death would descend to his two sons as Hindoo co-parceners; and on Manick's death, Durbejoy would succeed only to his father's moiety. The respondent, therefore, would unquestionably be entitled to at least a moiety of the estate.

Whether he would be entitled to more depends on the question, what is the general law of succession to be applied? Under the law of the Mitakshara he would succeed to Durbejoy's share, subject to his daughter's right to maintenance; under the law of the Dayabaga she would succeed to her father's share, in preference to her uncle.

To establish, therefore, the appellant's title to the whole estate, she must prove a special and customary rule of succession; to establish her title to even a moiety, she must show that the succession is to be regulated by the law of the Dayabaga.

Again, the second issue, as settled, does not comprehend the whole of what is essential to the appellant's title to the whole estate. For, let it be granted that the rule of primogeniture did obtain in Soomaer Singh's family, that circumstance would, no doubt, support the title, first of Manick, and afterwards of Durbejoy to the estate as impartible. But on the death of Durbejoy the next male member of the joint-family would, under the law of the Mitakshara, be entitled to succeed to the ancestral estate,

though impartible, in preference to the daughter of the last holder. This was admitted in the Sivagunga case, although, on the ground that the impartible estate in question was the separate acquisition of the last holder, it was there ruled that it ought to descend, according to the rule of succession to separate estate, to his widow. Hence, to make out the appellant's title to the whole estate, it must be shown both that by custom it was impartible, and descended according to the law of primogeniture; and also that either by special family custom, or by the operation of the law of the Dayabaga, as the law which should govern the case, she, on the death of her father, was entitled to succeed to it, in preference to her great uncle.

It is next to be considered what are the proper findings on the settled issues.

The Principal Sudr Ameen altogether omitted to decide the first. The High Court, on a careful review of the evidence, came to the conclusion that the plaintiff (the present respondent), had established his legitimacy; and, at the close of the argument at the bar, their lordships were clearly of opinion that no case had been made for disturbing that finding.

Upon the question of the alleged family custom, the decisions of the two lower Courts were in conflict; the Principal Sudr Ameen holding that the evidence showed that the estate was impartible, and that the appellant was entitled to succeed to it. It is not, however, very clear whether he rested the appellant's right of succession on family custom, or on the law of the Dayabaga, treating that as the law which was to govern the case. The High Court held that there was no proof of any custom which varied the ordinary law of inheritance; that the law to be applied was that of the Mitakshara; and, consequently, that the respondent was entitled to recover the whole estate.

The point to be first considered on this part of the case is, whether the first of these propositions of the High Court is correct.

The fresh evidence adduced by the appellant in support of the alleged custom is very slight. Of the five witnesses called by her, two only speak to the custom. One of these does not put it higher than a custom by which the eldest son takes the whole estate; and, in answer to the plaintiff's pleader, admits (thereby recognizing the applicability of the Mitakshara), that on the death of the eldest son, after he has taken possession of the property, leaving only a daughter, the brother would take before the daughter. (See page 72, line 39).

The documentary evidence does not carry the case much further. Mr. Sutherland's report

does not show more than that in the year 1819 there was great confusion and uncertainty as to the nature of the sub-tenures in Tuppa Belputtah; that Soomaer Singh was then claiming many villages to which he was not entitled; that the documents of title produced by him were untrustworthy; and that if the villages specified in List No. 1, page 35 (of which only two are identified as villages now in dispute) were originally held on a ghatwallee tenure, the ghatwals in that district (see page 29, line 50) had virtually ceased to be such, and had become mere under-farmers. It does not appear what was done on this report; but it is certain that many years after its date, *i.e.*, in 1840, the taluk in dispute was resumed by Government, and settled as ordinary malgoozary land with Soomaer Singh.

The other documentary evidence of the appellant proves little or nothing. But it is remarkable that the proceedings for the mutation of names on the deaths of Soomaer and Manick, which form part of it, contain the usual inquiry whether there were other heirs of the deceased; and that in neither instance was the claim expressly asserted as one founded on the right of primogeniture.

On the other hand, it is singular that the strongest evidence in favour of the position that the estate had been treated as in the nature of a Raj is to be found in the oral testimony given on the part of the respondent (See in particular witness No. 5, page 28). But this evidence would at most prove that the property, though held as a Raj, belonged to a joint family, of which, not invariably, the eldest son of the last holder, but the most competent male member, was entitled to succeed as Rajah; and, further, that the original possessions of the family, *viz.*, those held by Jyo Singh, had been the subject of partition.

On the whole, whatever may have been the earlier history of the estate, which was, at most, only a sub-tenure of some kind under the Rajah of Beerbhoom, there seems to their lordships to be no sufficient ground for disturbing the conclusion of the High Court, that since the resumption it is to be treated as subject to the general law of succession.

The result of this is that, if there are no legitimate descendants of Soomaer Singh other than the respondent and the appellant, the respondent is entitled in any case to recover half the estate; and, if the general law of succession is that of the Mitakshara, to recover the whole.

What, then, is the general law of inheritance by which the case is to be governed?

The High Court applied the law of the Mitakshara as that which undoubtedly rules in Zillah Bhaugulpore; and refused to listen to

the plea founded on the transfer of Tuppa Belputta from Beerbhoom to Bhaugulpore in 1795, treating it as "started at the eleventh hour on appeal." This last position is not, in their lordships' view, correct; because the point is expressly taken by the Principal Sudr Ameen in his judgment, and seems to have been one ground of his decision. (See page 77, line 40).

The applicability of the Dayabhaga to the case may depend upon either of two circumstances. It may be that the whole of the transferred district has continued to be governed by its old law, in which case the law would be an exceptional local law; or the particular family, though now domiciled in a zillah governed by the Mitakshara law, may have continued to retain the law of the Bengal school as an exceptional family law. If the first state of things exists, the fact must be notorious to those who administer justice in that part of the country. The second state of things would require to be shown by evidence, and the record contains no evidence on this point. Nor the pleadings and issues being what they are, could it be expected to do so?

The two lower Courts being, in fact, in conflict as to the law applicable to the case, and the question having been insufficiently tried, it seems to their lordships desirable to remand the cause for further inquiry on this point.

The case has hitherto been dealt with as if there could be no dispute as to the property, except between the appellant and respondent. The High Court has almost assumed this to be so, remarking, incidentally (page 82, line 55), that of the four sons of Soomaer, other than Manick, Pirthee was the only survivor. On the argument of the appellant, however, it was shown, that on the face of the oral evidence given for the respondent, it was stated, that of these sons, Teeluck at least was legitimate, and had left issue (see pages 24 and 25). This fact (if true) would affect the original shares of the respondent and Durbejoy in Soomaer's estate; though, unless Teeluck outlived Durbejoy, it would not affect the respondent's right to succeed to that person's share, whatever it may have been.

The respondent having to recover by force of his own title, is bound to show that the whole inheritance of Soomaer is, according to the law of the Mitakshara, now vested in him; and his own evidence leaves so much doubt on this point, that a remand upon it also seems to be necessary.

The learned counsel for the appellant sought also to set up a *jus tertii*, as regards some of the earlier generations of this family, bearing in the Genealogical Table at page 10. It seems to be clear that there was a partition of some kind amongst the sons of the original

ancestor Jye Singh; but it is not so clear that the share of Tribhoobun, one of these sons, was ever divided amongst Soomaer and his other sons.

Their lordships, however, are not disposed to invite litigation, by extending the inquiry beyond the descendants of Soomaer. Both parties have come into Court representing him to have been the sole owner of the estate; and if there were co-sharers with him, and there are now descendants of such co-sharers, it will be open to them, whatever may be the result of this suit, to assert their title in another and independent suit.

Their lordships will, therefore, humbly advise Her Majesty to affirm the decree under appeal in so far as it declares that the respondent was the legitimate son of Soomaer Singh; to reverse the rest of the said decree; and to remand the cause to the High Court, with directions to determine the appeal from the decree of the Principal Sudr Ameen, pursuant to the provisions of Section 354 of Act VIII of 1859, after causing the following issues to be tried, viz. :—

1st. Whether Soomaer Singh left any and what legitimate sons, other than Manick Singh, in the pleadings mentioned, and the respondent; and, if so, whether they are living or dead; and, if any of them are dead, when they respectively died, and whether they have left any and what male descendants.

2ndly. Whether the estate of Soomaer Singh, which was formerly within the limits of Zillah Beerbhoom, having been transferred to Zillah Bhagulpore, the succession thereby becomes liable to be regulated by the law of the Mitakshara; or whether, by reason of any local or family custom, such succession, notwithstanding the transfer, continues to be governed by the law of the Dayabhaga.

Their lordships will also recommend that the costs of this appeal, on both sides, be taxed; and that the amount of such taxed costs be certified to the High Court, and be dealt with by that Court as part of the costs in the cause.

CIRCULAR ORDERS OF THE BOARD OF REVENUE.

No. XX.

STANDING No. 391-6.

COLLECTORS' SANCTION NECESSARY FOR PROSECUTION OF VILLAGE MAGISTRATES.

Proceedings of the Board of Revenue, dated 28th November 1873, No. 2,429.

G. O., dated 22nd October 1873, No. 1,682, Judicial Department, communicated to all Collectors with Board's Proceedings, dated 10th November 1873, Miscellaneous No. 7,630. PROSECUTIONS of Village Magistrates for offences committed by them in their magisterial capacity should not be permitted by Collectors without their own sanction.

No. XXI.

STANDING No. 254-1.

EXTRA PAY TO CUSTOMS-HOUSE OFFICIALS FOR EXTRA WORK.

Proceedings of the Board of Revenue, dated 28th November 1873, No. 2,436.

CLAUSES 3 and 4, Section 1, page 1, of the revised Sea Customs Manual, from the word "parties" to the word "holidays" are cancelled. For these the following rules, sanctioned in Board's Proceedings, dated 23rd May 1872, Miscellaneous No. 3,735, should be substituted :—

Customs-house officials, who may be required to transact business at the Customs-house out of office-hours for the convenience of ship-owners and others, shall be entitled to extra remuneration according to the following scale :—

From 6 to 7-30 A.M., or 5 to 7 P.M., half day's pay.

From 6 to 9-30 A.M., or 5 to 9 P.M., or later, one day's pay.

One day's full pay to all Conicopolies and Peons for working out of office-hours, either morning or evening.

On Sundays and close-holidays, two days' full pay for all Customs officers, including Conicopolies and Peons.

2. These rules are applicable to all ports.

OFFICIAL PAPERS.

CULTIVATION OF PARA CAOUTCHOUC IN MALABAR.

Proceedings of the Madras Government, Revenue Department, 10th November 1873.

Read the following papers :—

From Major R. H. BEDDOME, Inspector of Forests, Ootacamund, to the Hon. R. A. DALYELL, Acting Secretary to Government, Revenue Department, dated Ootacamund, 11th August 1873, No. 1,861.

WITH reference to G. O., No. 766, of the 22nd July 1873, I have the honour to inform you that the Pará Caoutchouc (different species of *Hevea*) appear to grow in tropical America from about 5 N. to 5 S. latitude at or near the sea-level in a humid climate, with a mean temperature of 78° or 80°, with the extremes at 70° and 90°, and an annual rain-fall of 60 to 90 inches. All these conditions can be obtained in Ceylon and along the Travancore ghauts at 1,000 to 2,000 feet elevation; but the farther north we go, the longer becomes the season of drought. At Nellumbore the seasons differ considerably: some years the north-east monsoon quite fails, and the March and April showers are also sometimes a failure; in such years there may be a drought of five or nearly six months; there is always some three months of exceedingly dry weather. The failure of the north-east monsoon is, however, unusual at Nellumbore; but as this monsoon seldom extends to Coorg and South Canara, the longer season of drought is usual in these more northern districts.

2. The Hevea is closely allied to the *Aleurites* (often called the Belgam Walnut)—a tree originally introduced into this Presidency from the Moluccas, but now growing admirably at Manantoddy and other parts of Wynaad.

3. Though I am afraid that March and April at Nellumbore might be fatal to young seedlings of Hevea, I believe it would answer on the Carcoor ghaut at 1,500 or 2,000 feet elevation, and probably at Manantoddy; but, as there can be no harm in trying it on a small scale at Nellumbore, I would suggest that, if a box of seedlings or seed packed in soil can be obtained, the Collector of Malabar should try it at all three places; the forest officer at Nellumbore can look after those to be planted on the Carcoor slopes, and the Wynaad forest officer those at Manantoddy.

4. If a box can be also sent to Travancore, I would suggest that they should be tried at Peermade and the western slopes at a lower elevation, and also to a small extent in the Trevandrum gardens.

Proceedings of the Board of Revenue, dated 20th August 1873, No. 1,615.

Read the following Proceedings of the Madras Government, dated 22nd July 1873, No. 766, Revenue Department :—

ABSTRACT.—*Trees yielding Pará Rubber.*—Forwarding, for report, to the Board of Revenue, Inspector of Forests, and the Resident of Travancore, despatch from the Secretary of State regarding the cultivation of—in India.

The Board of Revenue have the honour to answer the reference contained in G. O., dated 22nd ultimo, No. 766.

2. The description given by Mr. Collins in his report of the habitat of the tree which produces the Pará Caoutchouc (*Hevea*) convinces the Board that it may be expected to flourish on the Western Coast of this Presidency, and its product being more valuable and purer than that of any other rubber-bearing tree, the Board would give this species the preference.

3. The climate and rain-fall of the Malabar Coast districts closely resemble those of the province of Pará; in the latter province, however, the region where the *Hevea* is abundant is an alluvial flat inundated part of the year, and the soil is “nowhere sandy but always either a stiff clay, alluvium, or vegetable mould.”

4. Such conditions would not all be met with in Malabar: an experiment on a moderate scale would show whether the formation of plantations might be undertaken with the hope of success. In the still uncleared parts of the Sunderbunds it would seem that every condition under which the tree thrives in Pará would be present.

5. The *Ficus elastica* is found to be widely distributed throughout the forests of Assam: it already adds considerably to the Forest revenue. If it were introduced into the forests of the Western Ghauts there could be little doubt of its thriving, and like other kindred species it is especially easy to propagate.

6. Of the climbing shrubs the best appear to be the Madagascar *Vahea* and the Bornean *Urceola*: the former produces the most valuable caoutchouc, and the climate of the forests of the Western Ghauts would probably suit it well. The Inspector of Forests will have recorded his opinion on the advisability of cultivating any climbing plant in reserved forests; the Board believe such cultivation to be objectionable where valuable timber is sought to be produced.

7. If, however, plantations of the *Hevea* should be formed, it would seem that one of

the creeping producers of caoutchouc might be tried in those plantations, as the *Hevea* thrives in its native habitat in the most densely-tangled forest.

8. On a review of the whole facts brought to notice in Mr. Collins' report and Dr. Brandis' Memorandum, the Board incline to the belief that the proper locality in which to extend the cultivation of the *Ficus elastica* is its native province of Assam and the forests adjacent, while for the introduction of the exotic, *Hevea* and *Vahea*, they think suitable sites for plantations are likely to be found on the Western Ghats, and especially in Travancore. The superior quality of the produce of these last-named species alone induce the Board to recommend their trial, for some uncertainty would attend their introduction; while the *Ficus elastica* flourishes in Ceylon (where a Member of the Board has seen fine and productive specimens in the Government Gardens near Kandy), and there can be little doubt that it would find the climate of the Western Ghats and Travancore congenial.

From G. A. BALLARD, Esq., Resident in Travancore and Cochin, to the Hon. W. HUDLESTON, Chief Secretary to Government, Fort St. George, Ootacamund, dated Trevandrum, 11th October 1873, No. 89.

Adverting to G. O., dated 22nd July 1873, No. 766, I have the honour, after communicating with the Dewans of Travancore and Cochin, and, through them, with the respective Conservators of Forests, to observe that the climate and conditions of many portions of Travancore and Cochin appear very suitable for the growth of trees yielding the Caoutchouc of commerce. There are several indigenous trees and plants yielding milky juices from which Caoutchouc perhaps may be extracted, but experiment alone can determine whether the process would be remunerative or not.

2. The Conservator of Forests, Travancore, mentions especially the

* പാക്കോട്ടി Pachotti* (*Isonandra acuminata*),† a large tree

† Vide Drury's "Useful Plants of India," page 268. growing in abundance at an elevation of from 2,000

to 3,000 or 4,000 feet, and submits some samples with a memorandum as to their preparation,

† Will be sent which I forward† with this letter. There are other

trees yielding somewhat similar juice in abundance that may be found useful.

3. The Conservator of Forests, Cochin, speaks of cuttings of the *Ficus elastica* as having been occasionally put down, but little attention was paid to their conservation. They

seem, however, only to require the most ordinary protection from the depredations of cattle, &c., to flourish. One put down some fifteen years ago is said to be 2 feet 8 inches round the base of the trunk and 1 foot 4½ inches and 1 foot 3 inches round the lower branches.

He also mentions the *Isonandra acuminata* above said as producing an inferior Gutta-percha, and alludes to others that probably would yield the product.

4. If any plants or seeds are supplied, I am sure experiments will be made with care and attention.

5. This is not the first time attention has been turned to this matter.

I enclose, for easy reference, copy of a report submitted by General Cullen in 1859 on the subject of Gutta-percha.

I have not any information regarding the young trees of the true Gutta-percha mentioned by him in paragraph 10 of his report, but will make inquiries regarding them.

Order thereon, 10th November 1873, No. 1,252.

Ordered that these reports be forwarded to the Secretary of State in reply to his despatch of the 30th of April last, No. 8, and with the request that some seeds of the different species of *Hevea* or *Pará* rubber trees may be supplied to this Government for experimental cultivation in Travancore and Malabar.

(True Extract.)

(Signed) D. F. CARMICHAEL,
Secretary to Government.

INSPECTION OF TALUK TREASURIES.

Proceedings of the Madras Government, Revenue Department, 25th November 1873.

Read the following :—

Proceedings of the Board of Revenue, dated 30th July 1873, No. 1,447.

Read the following papers :—

From F. LUSHINGTON, Esq., Accountant-General, Madras, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Fort St. George, 24th April 1873, No. 627.

I HAVE the honour to forward, for the Board's inspection, the reports made by my Assistant, Mr. Kissun Sing, after his examination of the Kurnool, Cuddapah, and Bellary treasuries. The defects pointed out are not of a very important nature, and will doubtless be remedied by the treasury officers under the instructions of the Collectors.

2. There are, however, two suggestions made by Mr. Kissun Sing, which I desire to bring to the notice of the Board: the first is that contained in the 11th paragraph of his report on the Cuddapah treasury, in which he recommends that the original taluk accounts should be sent up to the huzur periodically, with a view to their being compared with the copies forwarded to the treasury officer; and the second is that contained in the 21st paragraph of his report on the Bellary treasury, regarding the periodical examination, by the Collector or one of his Assistants, of the Government cash-balance in charge of the Branch Bank.

3. Both of the above suggestions appear to me to be deserving of consideration, and I hope that the Board will see fit to direct that they be carried out.

ENCLOSURE No. 1.—Report of the Assistant to the Accountant-General on the inspection of accounts of Bellary District.

ENCLOSURES Nos. 2 to 6.—Statements.

ENCLOSURE No. 7.—Report of the Assistant to the Accountant-General on the inspection of accounts of Cuddapah District.

ENCLOSURES Nos. 8 and 9.—Statements.

ENCLOSURE No. 10.—Report of the Assistant to the Accountant-General on the inspection of accounts of Kurnool District.

ENCLOSURES Nos. 11 to 13.—Statements.

Docket by the Accountant-General, dated 7th May 1873, forwarding report of his Assistant upon the examination of the Chingleput treasury accounts.

ENCLOSURES Nos. 1 to 3.—Statements.

With the papers above recorded, the Accountant-General forwards the reports of his Assistant on his examination of the treasury and accounts of the Cuddapah, Bellary, Kurnool, and Chingleput Districts, during the current year. Copies of these reports will be forwarded to the Collectors for explanation.

2. The scale used in the Cuddapah treasury is reported to be unserviceable, and most of the bags holding coin are stated to be damaged. The Collector should see that good scales are at once provided, and that the unserviceable bags are replaced by new ones.

3. The Accountant-General will be informed that the Superintendent of Stamps having reported that there is no space available in his office for the redundant stock of stamps in Bellary, there is no alternative for the present but to keep the stock in the Collector's treasury.

Board's Proceedings, Miscellaneous No. 3,067, dated 21st May 1873. Arrangements have, however, been made to get rid of the large stock indents from other districts having been ordered to be met from the stock in Bellary for some time to come.

4. The Board approve of both the suggestions made in paragraph 2 of the Accountant-General's letter above recorded, and Collectors will be requested to carry them out. The Board consider that it will be sufficient if the cash-balance in the Branch Banks is examined two or three times a-year.

Proceedings of the Board of Revenue, dated 23rd August 1873, No. 1,637.

The Board observe from the reports of the financial officers deputed by the Accountant-General from time to time for the examination of the district treasury offices that in the taluks mistakes in accounts are frequently committed, which the Treasury Deputy Collectors have no means of finding out, and which can be prevented only by periodical examinations of sub-treasuries by competent officers. The Board believe that Treasury Deputy Collectors are best fitted for conducting such examinations, and the inspection of accounts in the taluks is a portion of their legitimate duties as treasury officers of the districts.

2. In their order, dated 15th October 1866, No. 1,623, Judicial Department, the Government, in passing orders upon a request made by the Registrar-General of Assurances (now Inspector-General of Registration) to the effect that Deputy Collectors in charge of treasuries should be made to inspect Sub-Registrars' offices from time to time, took into consideration the suggestions of the Board and the Accountant-General, that these officers were overworked and could not be spared for extra work without prejudice to their duties as treasury officers; one of the grounds upon which the opinion that they were overworked was based being that most of them had magisterial work to perform. This argument cannot now stand, as they have since been relieved of magisterial work under G. O., dated 9th December 1867, No. 2,940.

3. The Board, therefore, consider that it would be well to address Government again on the question, and to request that Collectors may be authorized to depute their treasury officers for inspection of sub-treasuries, and to make temporary arrangements for the charge

of the huzur treasury, which can be easily done, as an Assistant will be available for the duty. Before doing so, however, the Board resolve to request the Accountant-General to favour them with his opinion on the point.

Proceedings of the Board of Revenue, dated 2nd October 1873, No. 2,002.

Read again Board's Proceedings, dated 30th July 1873, No. 1,447, and 23rd August 1873, No. 1,637.

Read also the following letter from the Accountant-General, Madras, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated Fort St. George, 27th August 1873, No. 4,710.

The undersigned has the honour to point out that in Proceedings, No. 1,447, dated 30th July 1873, which the Board appear to have lost sight of, they have, on the recommendation of Mr. Lushington, approved of the suggestion of Mr. D. Kissun Sing, that the taluk accounts should be sent for periodically and inspected by the treasury officers, with a view to the detection of mistakes which occur in them. This suggestion, as it tends to save expense to Government and prevents the necessity of making temporary arrangements for the charge of the huzur treasuries, while at the same time it answers all the purposes of an inspection, commends itself to this department.

(Signed) R. W. LODWICK,
In charge, Accountant-Genl.'s Office.

In their Proceedings, dated 23rd August 1873, No. 1,637, the Board requested the Accountant-General to favour them with his opinion as to the advisability of Collectors being authorized to depute their treasury officers for periodical examination of subordinate treasuries, making temporary arrangements for the charge of the huzur treasury. The paper above recorded is that officer's reply.

2. The Board observe that they did not lose sight of their Proceedings, dated 30th July 1873, No. 1,447, as has been supposed by the Accountant-General. Finding that the measures therein sanctioned insufficient to secure supervision, which would prevent errors such as his Assistants from time to time point out, the Board have come to the conclusion that it is most desirable that the district treasury officer should personally inspect the accounts of the sub-treasuries.

3. The reports of the financial officers who examine the district treasuries and their accounts show that there are many defects in the working of the subordinate treasuries, which can

best be detected and remedied by *personal* examination of the system pursued and by repeated instructions on the spot.

4. The Board consider that the advantages of a personal examination and the opportunities it presents to the district treasury officer for giving detailed instructions and thereby preventing the recurrence of errors are not to be obtained by a mere occasional examination of the original accounts at the head-quarters of the district.

5. The only objections put forward by the Accountant-General to the Board's proposal are—

(1.) The additional expense to Government in the shape of travelling allowance; and,

(2.) The necessity of making temporary arrangements for the charge of the huzur treasury. The advantages resulting from such personal inspections are so great that the petty additional charge to the State in the shape of travelling allowance to the Treasury Deputy Collector is not, in the opinion of the Board, of much weight against their proposal.

6. The Board, therefore, resolve to submit the whole correspondence for the orders of Government, with a strong recommendation that the proposal may be adopted at least as a tentative measure.

7. The Board think that each taluk treasury should be visited by the Deputy Collector once a year, and believe that this can be easily managed without inconvenience if the visits are to be so arranged as to be made when the Collector himself is present at head-quarters.

Order thereon, 25th November 1873, No. 1,295.

The Governor in Council concurs with the Board of Revenue in deeming it to be very desirable that Deputy Collectors in charge of treasuries should be employed by their Collectors in making occasional personal inspections of the subordinate taluk treasuries. The Board of Revenue will accordingly be good enough to issue instructions to all Collectors in accordance with the views expressed in their proceedings. It will be hardly necessary, however, that every taluk treasury should be inspected every year; but this is a matter which must be left to the discretion of the Collector. The inspections should always be made without notice.

(True Extract.)

(Signed) D. F. CARMICHAEL,
Secretary to Government.

DISCOVERY OF ANCIENT COINS IN TINNEVELLY DISTRICT.

Proceedings of the Madras Government, Revenue Department, 26th November 1873.

Read the following Proceedings of the Board of Revenue, dated 10th November 1873, No. 2,279 :—

Read the following letter from R. K. PUCKLE, Esq., Collector of Tinnevely, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated Nannagaram, 25th October 1873, No. 573 :—

On the 25th December last a gang of labourers while engaged on cutting a channel connected with the Strivaiguntam Anicut Project came upon a large copper pot filled with gold ingots and coins. The pot was of large size, capable of holding six Madras measures of grain, and from the marks inside it must have been filled with treasure.

2. The probable value of the treasure is estimated at a lakh of Rupees.

3. The labourers divided the spoil and made off with it, but the matter soon became public and the Tahsildar succeeded in recovering Rupees 8,000 worth of coin and ingots. This was mostly recovered from a little girl who ran away from her house with a chatty which fell, broke, and scattered the gold in front of the officials who were coming to search.

4. The rest was quickly buried or melted down, and all traces of it were lost. I am told, however, that the share of one of the labourers, which he deposited with a kavalgar, who afterwards denied having received it, was worth 900 Rupees, so, as there were twenty labourers besides headmen to share the spoil, the find must have been very extensive.

5. On hearing of the discovery I notified the course to be pursued under the Act, but nothing was given up. The treasure recovered was deposited with the Civil Court, and the case was inquired into after due notification. The Court has decided, as per proceedings enclosed, that the terms of the Act were sufficiently observed and that the treasure should be restored to the finders.

6. This treasure was buried in the sandy tract between the Coast and the large town of Alwartirunagari, some fifteen miles from the mouth of the Tambrapurni. It was found near an old avenue leading inland from what was once the city of Kayal, and this treasure was probably buried some hundreds of years ago.

7. The coins are principally Arabic, but one is European. This, as far as can be ascer-

tained, is a coin of Joanna of Castile, A. D. 1236.

Some of the Arabic coins

* Without name. are still older; one* bears

† Without date. the impress of the Mahomedan year 71, and another†

bears the name of Sultan Saladeen, who may be the Saladin of history.

8. I enclose a sketch of the obverse and reverse of these coins, and, if the Board think fit, will buy duplicate specimens for the Madras Museum. I have requested the finder's vakeel to arrange for the purchase.

ENCLOSURE No. 1.—Copy of Proceedings of Civil Court.

ENCLOSURE No. 2.—Sketch of Coins.

Submitted for the information of Government, and communicated to the Superintendent of the Government Museum, who will be requested to see if it is desirable to secure any of the coins for the Museum.

Order thereon, 26th November 1873, No. 1,302.

The Government await the report of the Superintendent of the Museum.

(True Extract.)

(Signed) D. F. CARMICHAEL,

Secretary to Government.

CULTIVATION OF JUTE IN MADRAS.

Proceedings of the Madras Government, Revenue Department, 28th November 1873.

Read the following letter from Colonel R. BENSON, F.R.S., Honorary Secretary, Agricultural Society, Madras, to D. F. CARMICHAEL, Esq., Secretary to Government, Revenue Department, Fort St. George, dated Madras, 7th November 1873, No. 553 :—

With reference to the proceedings of Government, Revenue Department, No. 869, dated 19th August 1873, I have the honour, by desire of the Committee, to inform you that the *Corchorus capsularis* and *C. olitorius*, the plants which produce the Jute or Indian hemp of commerce, are not cultivated in the more southern parts of the Madras Presidency; at least so far as their present information extends.

2. In the northern part, however, extending from Guntoor, in the Kistna District, to Ganjam, including Cocanada, Calingapatam, Chittavalsah or Bimlipatam and Gopaulpore, the plant is cultivated to some extent and manufactured by native weavers into ropes and gunny cloth for local use.

3. The chief manufacturers are Messrs. Arbuthnot and Co., at Chittavalsah, for the purpose of packing sugar, gram, and oil-seeds, &c., and in this form only does the manufactured articles appear to be exported.

4. The export trade in raw material is of greater importance, and has for the last six years been steadily increasing as the following figures show :—

Bales of Jute of about 300 lbs. each exported.

	Bales.
In 1867	346
„ 1868	431
„ 1869	3,246
„ 1870	3,876
„ 1871	3,159
„ 1872	3,559

Total... 14,617*

5. The Committee are unable to state from which of the two plants (*Oorchorus capsularis* and *C. olitorius*) the fibre is obtained, as they have heretofore failed to procure specimen plants for identification.

6. A sample of the fibre is herewith sent, the selling price of which is about 28 Rupees per candy.

7. The Committee desire me to add that further inquiries on so important and interesting a subject will be made and the result reported, and that they have addressed a letter to the Secretary, Agri-Horticultural Society of Calcutta, requesting seed of both species of the above plants be furnished with a view to experiments being made in the culture of the plants in the Society's Gardens.

Order thereon, 28th November 1873, No. 1,317.

Ordered that the foregoing letter, together with the sample of fibre therewith received, be forwarded to the Government of Bengal.

2. Copy of the letter will be forwarded also to the Board of Revenue, with an intimation that the Government await the Board's report on the subject called for in G. Os. 19th August and 9th October 1873, Nos. 869 and 1,080.

(True Extract.)

(Signed) D. F. CARMICHAEL,
Secretary to Government.

HEAD QUARTERS OF COLLECTOR OF KISTNA
DISTRICT.

*Proceedings of the Madras Government, Revenue
Department, 28th November 1873.*

Read the following Proceedings of the Board of Revenue, dated 11th October 1873, No. 2,079 :—

Read the following letter from G. D. LEMAN, Esq., Collector of the Kistna District, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated Gunttoor, 10th September 1873, No. 1,375 :—

In reply to G. O., No. 389, dated 4th April 1873, Revenue Department, I have the honour to inform the Government that the District Engineer has sent me an approximate estimate (enclosed) for a cutcherry at Gunttoor. It amounts to Rupees 58,200.

2. I remember that there was some question since I joined the district, whether the telegraph line between Masulipatam and Bezawara was to be repaired or not. I have not official intimation how it was settled; but, should the line be given up, it will, no doubt, occur to Government that I should have no Telegraph office within 48 miles of my cutcherry if it remains at Bander.

3. The buildings at Masulipatam will require an expenditure of about Rupees 6,000 to put them in fit repair for the Sub-Collector's office.

4. A new Post Office will be necessary at Gunttoor, as the old one must be pulled down to make room for the cutcherry. This could be most conveniently attached to the cutcherry building, and the extra expense would be small; but, at any rate, if a separate building be provided, its cost would not exceed Rupees 5,000.

5. It may also be necessary for me to ask Government for a grant of land to be given to the cutcherry servants for building purposes, as the whole of the site of the town is now occupied. This would not, however, cost any large sum of money.

ENCLOSURE No. 1.—Estimate.

This letter and estimate will be submitted to Government, with reference to G. O., dated 4th April 1873, No. 389, Revenue Department.

2. The Acting Collector now submits an approximate estimate for converting the present Sub-Collector's cutcherry at Gunttoor into an office for the Collector, which amounts to Rupees 58,200; and to this must be added Rupees 5,000 for a Post Office, and about Rupees 6,000 for adapting the present cutcherry at Masulipatam for use by the Sub-Collector. The estimate for the additions to this building, already submitted, was Rupees 34,180; so that the whole cost of the transfer may be stated at Rupees 35,000, or, allowing for other expenses, at most Rupees 40,000.

3. The considerations in favour of the transfer of head-quarters to Gunttoor may be summed up as follows :—The position of Masulipatam is not central; it is believed to be of

* About 1,957 tons.

less importance as a town than it was a few years since, and as a shipping port is partially deserted for Cocanada; it is not the station of the District Court, and will probably soon cease to be that of the District Engineer; the jail is said to be ruinous and to be about to be abandoned; and owing to its distance from the south-western taluks in the charge of the Deputy Collector, that officer is practically uncontrolled. On the other hand, it has still a considerable trade and would be the natural terminus on the coast of a railway from Hyderabad; its climate is perhaps better than that of Guntoor; it has better water-supply, and there is ample accommodation for Europeans and for native servants of the catcherry.

4. All parts of the district are, however, readily accessible from Guntoor; it has, the Board believe, a larger European community than Masulipatam, and is the centre of the cotton-trade of the district, which is now important; and it is the site of the District Court. The strongest argument in favour of it, as the site of head-quarters, is, in the Board's opinion, its position with reference to the Deputy Collector's division. Against it are the want of accommodation for Europeans and for natives in the crowded town, and especially the deficiency in the water supply. Water is very scarce at times; when the tanks are empty most of the wells run dry, even those, the Board believe, which are sunk to 70 feet in depth. The difference of level prevents the Kistna water from being brought near the town. The hot season is severe and protracted, but some persons prefer the climate to that of Masulipatam.

5. There is no third choice. The expense of establishing head-quarters at any other place would be much greater than is involved in a mere exchange between the Collector and Sub-Collector's present stations. There is no space for building at Bezvara, and the black cotton-soil there is unfavourable. Bapatla has good climate and water supply, but is not central.

6. The Board are unable to make any strong recommendation in favour of the proposed transfer, but, with the above remarks, leave the question for the decision of Government. Two extracts from a Native diglott newspaper, published at Masulipatam, which have been sent to the Board, are also submitted to Government.

Order thereon, 28th November 1873, No. 1,314.

The Governor in Council is of opinion that no change is called for. The deficiency of water at Guntoor and its greater insalubrity form two very serious objections.

(True Extract.)

(Signed) D. F. CARMICHAEL,
Secretary to Government.

APPOINTMENT OF AN ASSISTANT TO THE SUPERINTENDENT, SYDAPET FARM.

Proceedings of the Madras Government, Revenue Department, 28th November 1873.

Read the following despatch from the Right Hon'ble the Secretary of State for India:—

• INDIA OFFICE, LONDON,
9th October 1873.

MY LORD,—I have received and considered in Council your Excellency's despatch, dated July 25th, No. 20, 1873, forwarding a report on the Government Farm at Sydapet for the year 1871-72, which shows very satisfactory and interesting results.

2. I have also to inform you that, in consequence of a recommendation from the Government of India, I have approved in Council of the appointment of an Assistant to Mr. Robertson, and that I have caused steps to be taken for obtaining the services of a competent person.

I have, &c.,

ARGYLL.

His Excellency the Right Honourable
The Governor in Council, Fort St. George.

Order thereon, 28th November 1873, No. 1,320.

Communicated to the Board of Revenue.

(True Extract)

(Signed) D. F. CARMICHAEL,
Secretary to Government.

CHEMICAL INVESTIGATION OF THE NATIVE FEBRIFUGE ATIS.

Proceedings of the Madras Government, Revenue Department, 8th December 1873.

Read the following letter from J. BROUGHTON, Esq., B.S.L., F.C.S., Government Quinologist, to the Hon. R. A. DALYELL, Acting Secretary to Government, Revenue Department, dated Ootacamund, 25th October 1873:—

In accordance with G. O., No. 714, dated 9th July 1873, Revenue Department, I have the honour to communicate the results of my investigation of the tubers of *Aconitum heterophyllum*, of which the Hindoostani name is "Atis."

2. The examination of this native medicine was undertaken by the advice of a Bengal medical officer, who informed me that of all the febrifuge medicines employed in India, except Chinchona, this was the most effective. It has a place in the Indian Pharmacopœia, and at page 434 of that work high therapeutic value is given to it; the names of Drs. Hem-

ing, Balfour, Dymock, Moore, Forbes, Watson, and others being cited. Though the plant grows on the western Himalaya, it can be purchased in nearly all the bazaars of South

* In a white febrifuge medicine employed by the Karens in British Burmah, I have detected "Atisine;" therefore, Atis is a component of the drug.

India, though its use is, of course, more general in the northern Presidencies.*

3. The appearance of the tubers is described at page 4 of the Indian Pharmacopoeia. They are farinaceous, have an intensely bitter taste,

and are not poisonous, being, as therein stated, free from the poisonous alkaloid aconitine.

4. After much labour, I succeeded in isolating the bitter febrifuge alkaloid, which, from its composition and properties, I find to be a new substance to which I propose to give the name "Atisine."

5. The method which I have found the most convenient for obtaining this alkaloid is as follows:—

6. The roughly powdered tubers are submitted to two exhaustions with boiling alcohol, and the resulting tincture is separated by filtration through cloth. The whole of the alcohol is then separated by distillation, and the thick extract is mixed with an equal bulk of cold water, made alkaline with caustic soda agitated with chloroform and allowed to settle. The whole of the atisine is then in solution in the chloroform, which is separated, the chloroform distilled off, and the atisine dissolved in dilute sulphuric acid and decolourized by animal charcoal. From this solution atisine nearly pure is precipitated as an extremely bulky white hydrate on the addition of caustic potash. In order to obtain it pure, it has to be re-dissolved in ether, again re-distilled and again dissolved in dilute hydrochloric acid precipitated by dilute ammonia and dried. The separation of atisine is neither difficult nor laborious.

7. Atisine is soluble to a considerable extent in water, to which it imparts a most intensely bitter taste. It forms a very bulky hydrate from which the water separates at a steam heat. It becomes anhydrous at 100° C. It commences to agglutinate at 76° C., and is perfectly fused at 85°. After fusion, it exactly resembles quinine in a similar state. Its alkaline properties are well marked, as it reddens moistened turmeric paper, and completely neutralizes all acids. It is soluble in carbonic disulphide and benzol. I have not succeeded in obtaining the free alkaloid in a crystalline form.

8. Its composition was determined by an analysis of its platinum double salt, which is readily precipitated from the hydrochloric acid

solution of the alkaloid by the addition of platinum tetrachloride. Without entering into details, I find the formula of atisine is $C_{44}H_{74}N_2O_8$, the truth of which I was able to corroborate by a carefully conducted volumetric determination of the amount of hydrochloric acid required for neutralization. Atisine appears to have no rotatory effect on a beam of plane polarized light. Like quinine atisine is diacid. Solutions of its salts with oxygen acids are fluorescent.

9. I have obtained a crystalline sulphate of atisine, but with much difficulty in prismatic needles. The hydrochlorate is readily obtained by pouring dilute acid over a mass of the free base in the cold; crystalline crusts readily forming, which resemble quinine hydrochlorate on examination. I have failed to obtain any other crystalline salts, though I have prepared the acetate, nitrate, and oxalate as amorphous masses.

10. A solution of an atisine salt is precipitated by tannin, mercuric chloride, potassic chromate, and ferrocyanide; also by phosphomolybdic acid and biniodide. Atisine quietly dissolves in strong sulphuric and nitric acids without any decomposition. It is well and clearly defined alkaloid, quite new to chemists, and will very probably be of future use in medicine.

11. A further description of the chemical properties of atisine would be out of place in the present communication. I propose communicating a fuller description to the Chemical Society.

12. As the amount of atisine actually present in the tubers is but small, it would appear that this alkaloid would require to be medicinally used in very small doses. I have the honour to forward a specimen of "Atis," and one of Atisine hydrochlorate, the salt of the base most fit for therapeutical use. I would suggest that these specimens, if not otherwise required, should be presented to the Central Museum at Madras.

Order thereon, 8th December 1873, No. 1,367.

Communicated to the Surgeons-General, British and Indian Medical Departments, to whom a specimen of Atisine hydrochlorate should also be sent by the Government Quinologist.

2. The specimen forwarded will be sent to the Museum as suggested.

3. Mr. Broughton is thanked for his report, copy of which will be forwarded to the Secretary of State and Government of India.

(True Extract.)

(Signed) D. F. CARMICHAEL,

Secretary to Government.

MISCELLANEOUS.

THE TUSSUR SILKWORM.

[BY CAPTAIN G. COUSSMAKER, BOMBAY STAFF CORPS.]

THE TUSSUR silkworm is found, I believe, in nearly all the forests of India, and in some districts, especially in Central India, it is more or less cultivated, and the cocoons are collected by many tribes and castes. In the hope that my own Presidency of Bombay may be induced to take her share in this branch of industry, I have devoted some of my leisure hours towards watching the habits of this insect, and endeavouring to collect all possible information relative to its cultivation. I am convinced that there is yet much to learn concerning this subject, but I think that what I have learnt may be of some use to intending sericulturists, I have therefore resolved to put in print the conclusions that I have drawn, trusting that more attempts may be made to cultivate this silkworm. I myself have found it in the whole line of jungle country between Tanna and Ankola, a distance of 330 miles, and in three stations bordering this tract, viz., in Satara, Kolhapoor, and Dharwar, have I successfully reared it. At the risk of being tedious, I propose to minutely describe the insect in its various stages, so that it may always be recognized when met with, and to point out what I have learnt about the modes of cultivating it. The best method of reeling off the silk, of weaving it, and of bleaching it, constitute another phase of this industry, which requires much more attention than I have yet been able to afford, but I trust to eventually obtain full information about it. In the meantime, the cocoons have a market value, and my argument is, that Bombay ought to cultivate this hardy indigenous silkworm which feeds on common jungle trees. These are in the Southern Mahratta country :—

Native Name.

Terminalia or } Pentaptera } Tomentosa...	Aien or Mutty, or Saj.
Zizyphus Jujuba	Ber or Bor.
Ficus Benjamina	Nandrook or Pimproon.
Ficus ?	Baseree or Paercee.
Carissa	Karinda.
Guidia	Rameta.

In "Silk in India," the work on Indian sericulture, compiled by Mr. J. Geoghegan, Under-Secretary in the Department of Revenue, Agriculture, and Commerce, the following are also mentioned, but I do not know whether they are found in the tract of jungle I am acquainted with :—Terminalia Catappa; Terminalia Alata, the Asun; Bombax Heptaphyllum; Shorea Robusta, the Sâl; Carea Sphærica; Lagerstramia Parviflora, the Lendega; Conocarpus Latifolia, the Dhowra; Pentaptera Ar-

juna, the Kowha; Syzygium Jambolanum. Tectona Grandis, the teak tree, is also mentioned, but I have never seen the worm on this tree, which is very common.

THE MOTH.

Antheræa Paphia, Linn., is a large and handsome moth, the female of which is a good deal larger than the male, the expanse of her wings being from $5\frac{1}{2}$ in. to $6\frac{1}{2}$ in., whereas his are only from 5 in. to $5\frac{1}{2}$ in. In the depth of the wings the difference is even greater, many of the females having the extreme depth of the two wings together as much as $3\frac{3}{4}$ in., but I have rarely found those of the males deeper than $2\frac{3}{4}$ in. The markings of the two moths are very similar; as a general rule, the body is of a pale cinnamon shade, and on the anterior edge of the upper wing there is an ashy stripe, or border, which is about $\frac{1}{4}$ in. deep, close to the body, and gradually narrows away to nothing at the tip; a broad ashy stripe just behind the head crosses the body, connecting these wingmarkings. On the exterior edge of both upper and lower wing there is a broad pinkish-brown border, from $\frac{1}{2}$ in. to $\frac{1}{4}$ in. deep in the broadest place, that is, where the upper wing overlaps the lower. In the lower wing this border does not vary in depth; but in the upper it dwindles away to nothing at the tip; internally it is edged with first a stripe of white, and then one of deep cinnamon; parallel to these are two or three faint bars, more distinct on the under sides of the wings, of a deeper shade than the general colour of the wings, which colour varies very much in the females, some being of a cinnamon hue shading into orange or white at the tip of the upper wing; others are of a pale cinnamon, fawn, or beautiful soft reddish-yellow; the ground colour of both wings is the same. The males vary very little, being mostly of a yellowish-red or cinnamon; a few I have seen of a fawn colour, but none yellow; and I have had upwards of 500 specimens of both sexes in my possession. In each wing there is a clear, perfectly transparent spot with a line like a crack across it. The females have these spots much larger than the males have. On the upper wing of the female they are about $\frac{1}{2}$ in. in diameter, and on the lower wing about $\frac{1}{4}$ in. On those of the males they are about $\frac{1}{4}$ in. and $\frac{1}{5}$ in. respectively, sometimes even smaller. These spots are circular on the upper, and oval on the lower wings. Round the transparent part of the spot there is a ring of brownish-pink, with first a thin line of white, bordering it on the interior, that is, side nearest the body, and on the exterior side there is a broken line of yellow which is faint on the upper wing but very distinct on the lower, much more so in the male than the female moth. Two-thirds of the whole spot are encircled exteriorly with a fine black line,

and the remaining one-third, that is, the interior portion, with a fine white line. The antennæ of the female are very narrow, about $\frac{2}{3}$ in. long and $\frac{1}{15}$ in. broad; those of the male are about $\frac{1}{2}$ in. long and as much as $\frac{1}{3}$ in. broad. On the shoulder of the moth, near the joint of the wing, there is a dark-brown, hard, sharp-pointed short spine, which is most likely of assistance to the moth when it is struggling to clear itself of the cocoon. Captain Hutton says that this spine is characteristic of the *Antheræa* and *Actias* species. The moth issues from the cocoon late in the afternoon or in the evening. A moist spot can be perceived on the cocoon, generally at the top near the pedicel, about two hours before the moth escapes, and this spot gets moister and moister until eventually the fibres separate, and the moth is enabled to enlarge the hole sufficiently to allow of its egress. When it has got out it clings to the outside of the cocoon, or climbs up to the branch of the tree to which the cocoon is attached, and remains quite motionless while its wings are growing and stiffening. The male very often flies away the same night, but the female rarely does; the next night, however, she is quite alert, and commences to lay her eggs, the majority of which are laid within forty-eight hours; but she goes on laying a few here and a few there during the rest of her existence, which is often protracted for eleven days, during which time she lays about 300 eggs. The male rarely lives more than nine days.

The egg is oval in shape, slightly flattened above and below; it is about $\frac{2}{15}$ in. long, $\frac{1}{10}$ in. across, and $\frac{1}{15}$ in. deep. It is of a brownish white, or dirty cream colour, with generally two narrow lines of brown on the sides encircling it. When fresh laid, about 3,500 weigh 1 oz. The eggs hatch out in thirteen days, though I have known them hatch in ten days in thundery weather.

The caterpillar when first hatched out weighs $\frac{1}{3}$ gr., and is about $\frac{1}{4}$ in. long. In colour it is blackish-brown, with a shining black head. As the caterpillar increases in size the segments show themselves to be yellow, with four or six small black spots placed at regular distances transversely in the middle portion of the segments. After the first moulting the head becomes of blood-red colour, the yellow of the body acquires a greenish tint, and the black spots seem smaller in proportion. After each moult the body colour becomes greener, and is at the last stage transparently green; the red of the head gets a brownish tinge. At each moult the spots become of a less decided black, and at the third moult the lower rows of spots become of a beautiful blue, while the central rows are of a golden colour shot with red; at the same time, close to the breathing holes there appear some few spots, like small oval

scales of silver; these are most irregular; some caterpillars have none at all, some have them on one side only, sometimes there is only one scale, sometimes as many as five or six, in fact there is no rule; very often some of them disappear at the two succeeding moults. The caterpillar is, when first hatched out, somewhat hairy, but it is soon evident that it is only apparently so, there being only a few short black hairs growing out of the spots and the holders, or membranaceous feet, in the middle part of the body; after the fifth moult all these black hairs disappear, and several white hairs scattered singly over the body are visible. The claspers, or hindmost pair of feet, have a triangular chocolate-coloured patch on each side; the apex of this patch or mark, points forward, and from it there extends up two-thirds of the entire length of the caterpillar a greenish-yellow stripe, which gets narrower and less distinct at the extremity. When looking at a caterpillar hanging on to a twig overhead, I have often been struck with its resemblance to a leaf, of which this mark and stripe appear to be the footstalk and costa, and the arched back of the caterpillar the outer edge of the leaf. It is interesting to notice that it only resembles the under side of the leaf. The caterpillars moult five times, at intervals of from five to eight days. This discrepancy occurs, I expect, from some irregularity in the feeding of the worms, or from some of them feeding upon more nutritious leaves than others. They are particularly capricious in the last stage. I have known some begin to spin on the forty-fourth day of their existence, and others not until the fifty-fifth. When full grown, a fine specimen is at least 7 in. long and 1 in. diameter. I have weighed one, of these dimensions when forty-five days old, and found it to be 371 grs.

The chrysalis, which is reddish-brown, varies in depth of colouring from the light brown of a filbert to almost black. The male is about 1 in. long by $\frac{1}{2}$ in. in diameter, and the female about $1\frac{1}{2}$ in. by $\frac{2}{3}$ in. On the shoulder of the chrysalis there is a knob corresponding to the spine on the shoulder of the moth. I have been told that in some of the hilly districts near Satara the chrysalis is often given as medicine to small children in cases of colic, but with what result my informant could not tell me.

The cocoons are oval in shape, silvery-white, or yellow, in colour irregularly reticulated with a coarse, reddish silk. In size they vary very much, some being as large as 2 in. long and $1\frac{1}{2}$ in. in diameter, and others, again, as small as $1\frac{1}{2}$ in. by $\frac{5}{8}$ in.; outside they are somewhat rough, but inside they are hard, smooth, and glossy. According to Dr. Shortt of Madras, the average weight of the chrysalis is 130 grs.; of the cocoon containing the chrysa-

alis, 150 grs.; of the empty cocoon, 20 grs., and of the silk when reeled off, 12 grs. It is very interesting to watch the caterpillar forming the cocoon, and a knowledge of the *modus operandi* is essential to the person who reels off the silk, in order to enable him to obtain the greatest length possible at one time. The caterpillar has two kinds of silk; that which it first spins is reddish, and of this the pedicle and outside network, or cradle of the cocoon, is made. This silk consists of several threads of different lengths, but the other kind is generally unbroken from beginning to end. It is of a very delicate shade of fawn, nearly white, beautifully glossy and elastic, and being spun from a double spinnaret, consists of two fibres, which for the most part adhere together when the silk is being reeled off. The different lengths of the threads of the two kinds of silk is to be accounted for as follows: the caterpillar, when about to form its cocoon, brings two or three leaves together, attaching them with short lengths of the red silk in a few places so as to make a rough kind of house, inside of which it attaches a few threads here and there, so as to make a cradle of coarse network; then it begins to make the pedicle, or cable, which shall support the cocoon when the leaves shrivel up and fall away from the twig. In making the pedicle, the caterpillar, firmly grasping the twig with its membranaceous feet, sways its body backwards and forwards as far round the twig as it can reach, and back again, attaching its silk thread over thread, and in this way soon completes a strong dark-red cord along the twig, and in a ring round it. Sometimes while making this, a misgiving crosses its mind that the cradle is not strong enough, or is losing its shape, so it hurries down—if such an expression can be applied to a caterpillar of its size and make—turn itself round and round in the cradle, putting a thread here and there as may be required, and arching its body, with a muscular effort gives the proper oval shape to it. This way of working fully accounts for the many separate lengths of red silk which are found when the pedicle and cradle are thoroughly dissolved. The cradle once made and attached to the pedicle by many of the threads which have from time to time been carried down into the net-work, the caterpillar begins to make the cocoon proper of the fawn-coloured silk. This silk is spun off by the same motion of swaying from side to side, but with a much more contracted motion, and thus in layers of loops overlapping one another is the wall of the cocoon built up. There are four or six lines of loops in the circumference of the cocoon, and as they all meet at the top and bottom, where they are simply stuck together with a peculiar kind of gum, the mere dissolving of this causes them to fly apart, and there-

by makes an opening for the moth to get out. After the caterpillar has spun a layer of silk thick enough to conceal itself, it discharges some kind of gum or cement, thick and white like plaster of Paris, and then, with the muscular action alluded to before, it causes this gum to thoroughly permeate the whole cocoon and solidify the wall. In this manner it goes on, spinning layer after layer of loops, and cementing them all together until the whole of its silk is exhausted, and the wall of the cocoon becomes so hard that it requires a sharp penknife to cut through it. The chrysalis now is safe from birds, but squirrels, rats, and a few insects do damage to gnaw their way into the cocoon. The amount of silk contained in one of these cocoons may be roughly estimated as over half a mile of the fawn-coloured kind; for I once succeeded in getting 16 grs. reeled of one single cocoon in an unbroken double thread. This is more than four times the weight of silk procurable from the common silkworm, which, according to Count Dandolo, is 384/100 grs., and is in length half a mile. I have repeatedly tested single fibres of Tussur silk, and find that it is about three times as strong as the common silk, and also that it is about three times as thick, for the ordinary weaving thread contains three times more fibres of common silk than it does of Tussur silk. If, therefore, the weight of the Tussur silk in the cocoon be taken as only three times as much as that of the ordinary silk, the length of fibre in both cocoons will, I imagine, prove to be about the same. The ring at the end of the pedicle which has been spun round the twig is a most necessary provision of nature, for it often happens that either the caterpillar has been unable to attach its cocoon to a leaf, or that, during the long time the cocoon remains unburst in the tree, the leaf or leaves to which the cocoon was at first attached become separated from it, and then the cocoon hangs suspended from the twig like a berry. As a rule, there are certainly two crops in the year; the moths of the first batch come out in about four or six weeks after the first lot of worms (which come out at the commencement of the rains) have spun; those of the second batch remain quiescent until the rains begin again, that is to say, until May. As this entails the chrysalis remaining in the cocoon as long as eight months, exposed to the hottest sun and occasional thunderstorms, the cocoon had need to be made of a hard, impenetrable material. So indestructible is it, that Bheels and other tribes which live in the jungles, use the cocoon as an extinguisher to the bamboo tube in which they keep the "Falita," or cotton-rope tinder, used by them for lighting their tobacco and the slow matches of their matchlocks. The cocoon is also cut into a long spiral band, and used for binding the barrel of the matchlock

to the stock, being, as the natives say, unaffected either by water or fire.

If the eggs of the Tussur moth were exposed to a very low temperature directly they were laid, I presume that they could be kept as long as those of the *Bombyx Mori*, but the natural resting time of the insect is when it is in the cocoon, and it is so hardy that no amount of travelling seems to kill the chrysalis. I have had them sent to me from different parts of India, packed anyhow, and I have also both sent and brought them to England without taking any precautions in packing them, yet the majority of the moths have come out. I therefore recommend that for procuring a supply of these silkworms, reliance should be placed upon keeping up a stock of seed cocoons, not of eggs. My own experience points to the following four methods of obtaining caterpillars and cocoons:—

(1.) During the monsoon, that is, from June to October, when the caterpillars were large, and committed extensive ravage on the trees, as I was passing by the trees on which I might expect to find the caterpillars, I used to look whether there were many denuded twigs, or whether there were any droppings on the ground, two things which would strike the eye at once; for when the caterpillar has got over the two first moultings it wanders very little, but clinging on to the under sides of the twigs, or leaves, devours leaf after leaf and perfectly strips the twigs, and as its dung is very large, and owing to the insect's stationary habits lies a great deal in one place, the traces of its whereabouts are very visible.

(2.) In the cold and hot weather, when I was in the stations and jungles, and came across the right kind of trees at the time when they had lost their leaves, I found several cocoons hanging from the twigs, and pointing this out to the native revenue officials of the districts, in a short time through their influence I obtained a few hundred cocoons.

(3.) As soon as the moths issued from the cocoons, I confined them by pairs in baskets or boxes, which I kept quiet and in the dark. From the eggs laid by these moths I reared many caterpillars.

(4.) When I had female moths and no males to pair them with, I took them at sunset and tied them on to the branches of a *Terminalia Tomentosa*, a tree which was in blossom at the time, and on which the cocoons are often found; wild males, or others which I had liberated there, came and paired with them, and from their eggs I also reared caterpillars.

The first and second methods require no more detail; but much watchfulness is requisite to

ensure success in pairing and rearing from the egg. From the experiments which I have tried for some years, I have deduced the following rules:—The cocoons should be looked at at sunset, and at intervals for a few hours after, and those on which the moist spot, alluded to by me in the description of the moth, appears, put on one side. After a short time the head of the moth will appear, when, from the broad antennæ the male, and from the narrow antennæ the female, moth may at once be recognized. I may also mention here that, as a rule, the cocoon containing a male moth is smaller than that containing the female; but this cannot be taken as a certain guide in distinguishing the probable sex, for I have observed many exceptions to it. Having noted the genders of the moths, they should be put in pairs under an inverted basket about 12 in. in diameter and 6 in. deep, with as little delay as possible, so that they may not know what liberty is and become wild. It is best, directly the antennæ appear outside the orifice of the cocoons, to take a pair of cocoons and to fasten them up inside the basket; then invert this, and place it in a quiet, dark place. In a short time the moths will come out, and either clinging on to their cocoons, or climbing up to the top of the basket, will remain quiet still until their wings are full grown and stiff. Sometimes they will pair that same night, but, as a general rule, not till the next. In all cases they should be looked to at daybreak, and if they have paired, the male should be taken away at sunset, and the female put into a small box to lay her eggs in in quiet. After she has died, all the eggs should be collected into another smaller shallow box, or lid of a box, and the date on which the moth began to lay attached to it, so that the day on which the caterpillars may be looked for (i.e., from eleven to thirteen days after the laying of the first egg) will not be overlooked. Whether the moths pair or not the first night, they remain quiet all day till about sunset, so the looking at them at daylight will not disturb them. If they have not paired, the basket should be re-placed, and not looked at again until the next morning, when it will most likely be found that they have paired; if this is not the case, the females should be taken at sunset and tied up with a bit of worsted to a branch of some tree (it would be preferable that this be one of the trees on which the caterpillar feeds, and if in flower so much the better, for it is most probable that the wild moths will resort to a tree of this description), and the male liberated there. It sometimes happens that moths which will not pair in captivity will do so when the male is at liberty. The female should always be fettered, the worsted, or soft thread, being fastened loosely round the body between the wings.

The tree should be visited very early the next morning, and the female brought back to the house whether she has paired or not, for fear of the birds, &c., finding her out. Female moths should never be thrown away, as although they lay the majority of their eggs, impregnated or not, within the first three days of their existence, still even after that time they may pair, and a few fertile eggs may be secured. When tied up to the tree, whether they pair or not, most likely they attract the wild males, and that particular tree becomes a rendezvous. Although, as far as I have been able to observe, they do not feed during their existence, still they live for eleven days, and it is very probable that during that time other females, less coy, may have come out of the cocoons. All males, for which within forty-eight hours mates have not been procurable, should be liberated at this same tree, as they soon batter themselves to pieces in confinement.

In hatching the eggs out, there is no need to put them in the sun, or to take any precautions in increasing or decreasing the ordinary temperature of the house, which is quite sufficient. The shells of the eggs are so tough that scraping them off the sides of the boxes in which they have been laid does not injure them. Care must be taken that the small shallow boxes containing the eggs are protected from rats, mice, ants, &c.

This silkworm may either be reared in the house or be allowed to wander unrestrained on the trees. Like many an other wild species of caterpillar, during the earliest stages of its existence, it is apt to wander a good deal, but during the latter moiety of its life it keeps very much in one place, increasing in bulk most rapidly. When I kept them in the house I found, after many experiments, that the best way, acting on a suggestion of Captain Hutton's, was to place twigs about 12 or 15 in. long in wide-mouthed jars, or earthen pots containing five parts of earth to one of water. Into the mouths of the jars, after the twigs have been put in, cotton wool should be rammed. This answers the double purpose of keeping the twigs steady, and of preventing the worms crawling down into the water and drowning themselves. I then knocked up some small boxes or frames without backs and fronts (a large box with the bottom knocked out, and the frame divided into several small compartments or pigeon-holes will do equally well), so that the air blew uninterruptedly through. Then pasting paper, inside on top and bottom and both sides, so that the frames were clean, smooth, and light, over the open ends I put mosquito net (thin split bamboo screens would do as well), immovable behind and movable in front, so that the jars could be taken in and out. These frames were about 18 in.

high, 9 in. broad, and the same deep, so that the leaves of the twigs touched the sides all round, and when the caterpillars crawled off on to the frame they met with leaves at very short distances, and naturally went back to the twigs, and in this way I confined them until they had got through their third moulting, and very few died, although in my previous attempts I had always lost many when they were young. In each frame I put among the twigs, resting on the leaves, the small box containing all the eggs laid by one moth, about 250, as soon as they began to hatch out, taking care not to touch them, for this makes them restless, but allowing them to find their own way on to the leaves, I fed my silkworms on the leaves of the Naudrook (*Ficus Benjamina*), a tree which is largely planted along the sides of the made roads in the S. M. country, and which always has a plentiful supply of small-sized thick leaves, and of which the leaves, on small twigs about a foot long, will generally keep fresh for twenty-four hours, often, when the caterpillars are about to moult, and more especially on the day when they hatch out from the eggs, for forty-eight hours. All that is necessary to do each day is to put fresh twigs into the jars and put the old twigs on the bottom of the frames, pointing up to, and leaning against, the fresh twigs. The worms will then crawl up of their own accord, and in a few hours' time the old twigs may be taken away. I put the caterpillars, after their third moulting, that is, after they had less propensity to wander, on an artificial hedge, made, in some cases, of large twigs, or small boughs placed in jars of earth and water, in others of the boughs hung over bamboos suspended from the rafters of the room. These boughs were placed near enough to one another to form a continuous hedge, and the caterpillars, when they had exhausted the supply on one twig, crawled on to the next. The advantage of arranging the food in this way was, that there was always a free circulation of air around the caterpillars, and all the dung and noisome matters fell on to trays placed under the hedge, and these trays were thoroughly cleaned every day, when the boughs were renewed. I noticed that sometimes when the caterpillars were moulting the whole of the old skin did not come off at once. This was, I believe, owing to the caterpillars being reared indoors; and as they are found principally during the monsoon, I came to the conclusion that a moderate amount of moisture falling on the leaves and caterpillars is necessary to their well-being. I therefore sprinkled the hedge once a day with a little tepid water. As soon as the large red stains, caused by the fluid which the caterpillar discharges when getting rid of all superfluous moisture before spinning, appeared upon the paper covering the trays, I had to be very careful in renewing the boughs

of the hedge, for I found that if I disturbed the caterpillar and caused it to leave off spinning, much silk was wasted by the caterpillar leaving the first partly formed nest and going to another place; sometimes, too, it went to where another caterpillar was spinning, and a double cocoon is very difficult to reel. I found that when I took the caterpillars which were about to spin and put them under cover, or in a new place, they were a very long time before they settled down; I therefore came to the conclusion that the caterpillars should be allowed to form their cocoons on the hedge, and not be disturbed until the cocoons were well formed and the caterpillars quite hidden by the silk, when the twigs to which the cocoons were attached were cut through by a strong pair of scissors, and hung up till they (the cocoons) had become dry and hard, in places where the rats could not get at them. The room or shed in which the caterpillars are being reared should not be open towards the north and east; for at one time, a cold east wind, during the month of October, killed a great many worms in a few hours. All possible precautions should also be taken to keep out rats, squirrels, and mice, besides the host of enemies in the shape of birds and bats, which may come in at the open window. Many insects, too, both crawling and flying, will always be ready to attack the helpless caterpillars.

I have never tried to rear caterpillars on the trees in the open air systematically; but Mr. Brownlow, of Cachar, published in the *Journal of the Agri-Horticultural Society* a paper on the Open-air Rearing of Undomesticated Silkworms, in which he recommended that "the forest trees set apart for the rearing of the worms on should be kept at an uniform height of 10 ft.; large-sized boughs should also be placed in the ground, and in the course of one year these will become trees of the right size. After the plantation is formed, the cocoons may be hung on a tree when about to hatch out, and a roomy but not very coarse net placed over the hole, so as to keep the moths in, and the moths will most likely pair there;" or else the moths may be kept in confinement and be paired there, as I have already shown; anyhow, I should recommend that the female be not allowed to lay her eggs on the trees, but that the moth be put into a small box or basket, and the eggs collected into some small receptacle and hung among the leaves in the most sheltered places. No caterpillars should be reared on the tree over which the net is placed; it should be allowed to become as shady and full of leaf as possible. There can be no doubt that the caterpillars, which live entirely in trees in the open air, will thrive best so long as the weather is propitious; but it must be remembered that they have many enemies both nocturnal and diurnal, and that certain sudden changes in the temperature may

be fatal to them; they will therefore require close watching. The doubt naturally arises as to whether the silk obtained from the smaller number reared out of doors, will be more and better than that spun by the larger number of worms kept indoors; for I think that those which are kept indoors can be easier protected than those which are out of doors, and if care be taken to always supply them with the freshest food, I see no reason why they should not grow as large. Both the methods of domesticating the caterpillar should be carried out simultaneously, and the results noted carefully. In fact, this branch of industry is yet in its infancy, and requires many experiments to be carried out, and comparisons of different methods to be made, before the final conclusions can be drawn as to whether it will prove a commercial success or not in Bombay.—*V, Indian Economist*, p. 15.

MEMORY.*

WHILE the whole region of philosophy is open to us, more attention is paid in our day to physical than to mental or moral science. In popular language, by an arrogant metonymy, the former usurps to itself the name of science; whereas, the world within is certainly no less important than the world without, revealing to us processes and laws no less wonderful. The student of mental science tries to obey the Socratic precept, *know thyself*; and to help him, the object of his study is ever with him, for the mind is at once the student and the thing studied.

As long as such summaries are not regarded as absolute, there can be no harm but rather advantage, in briefly scanning, by way of introduction, the popular list of the mental faculties. These are—(1), *consciousness*, by which we know our thoughts and feelings; (2), *perception*, through which we gain our knowledge of sensible objects; (3), *attention*, directing consciousness towards any one point; (4), *conception*, which individualizes and generalizes notions; (5), *abstraction*, separating the combinations that are presented to the mind; (6), *association of ideas*, regulating their succession; (7), *imagination*, which from existing objects forms for itself new creations; (8), *judgment*, which helps us to adjust subject and predicate;

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and, last of all (9) we have the *faculty*, which this evening occupies our thoughts. In the course of this lecture I hope to show that it is not the least honorable among the nine.

I. If we look on memory as it affects the feelings and interests of mankind, we shall see that it is one of the most valuable powers we have. Hence it has been a favourite subject of investigation, often to the neglect of the other powers. Men may be even ignorant of the names of those, but they claim memory as their own. If things go right with them, they ascribe the praise to it: if they are unsuccessful, its absence is the cause. Thus they merge all mind into one of its individual, but certainly noblest, parts; and with some show of reason, for no one of the mental faculties is more closely bound up with the multifarious interests of man, than that of which we this evening speak.

1. Memory lies at the basis of all mental operations, none of which can be worthily carried on without it. A man may devote his whole intellect to the elucidation of a subject, and his thoughts thereon may be original and profound; but, if memory be wanting, they are of no permanent benefit: thought becomes the mere pastime of the minute, strengthening but not enriching the mind, springing up to delight for a moment, then vanishing for ever.

2. The world is rich in the records of knowledge and science, nearly every path in which has been more or less explored. To the study of these a man may bring the vigour of a keen understanding; yet, if memory be away, he may live among them, but he can never know them. Hence the foundation of further research is undermined, for investigation can be carried on only by knowledge. Thus the course of discovery would be stopped, and the arts and appliances of our accustomed life would be lost.

3. Memory lies at the foundation of social intercourse. We glide insensibly from infancy into an acquaintance with each other, with things around us, with the language and customs of the outer world; and all this is effected by numberless indistinguishable acts of memory. The vocabulary of words which we speak so fluently, the art of conversation, that sweetest pleasure of social life, is the result of a thousand minute remembrances. All our petty daily acts are performed from customary habit, or, in other words, from memory; which too, supports the fabric of our transactions with our fellow men.

4. It is memory joined with consciousness that gives us the persuasion of our personal identity. We know that we are ourselves from day to day, from youth to age, not because friends assure us of the fact, or because we see ourselves in the glass, but because our

individual being is bound to us by an unbroken chain of the smallest memories.

5. The memory of the past as it influences the future constitutes experience. In all our conduct we either imitate or shun the past, and if this be blotted out, we lose a rule for our guidance, our future is obscured.

6. Memory has especial connexion with those of our enjoyments which consist in reflection. The things we say and do perish not in a moment. Like ourselves, they do not *all* die, but rather in memory live often a more perfect life. For all our still and meditative enjoyment we are indebted to this faculty. As the traveller, standing on the borders of the beautiful country he has just traversed, loves to linger on the various scenes and incidents of his journey, so, next to the pleasures of hope, nothing is more pleasing to the good man resting awhile on the brink of the grave, than to live over again the acts and joys and even griefs, which went to make up the sum of his earthly existence.

It is true memory is often as active in inflicting pain as in affording pleasure, but this is only in the case of those who have perverted its uses by burdening it with the record of their crimes. Then, punishing the wrong, she only serves to vindicate the right.

From even this meagre view of its comprehensive uses, we may see how fundamentally important is memory in all human affairs. It is essential to each step in the progress of the mind, it is the basis of the universal active life of man.

II. But let us consider more closely in what this faculty consists. Memory is the power we have of recognizing an idea which has been before present to the mind, *as having been before present*. An object meets our eyes and immediately we conceive an idea of it. Then the mind is able, at any distance of time, and without the presence of the object, to recall and recognize this idea. Then in some mysterious manner the idea must have been all the interval in the keeping of the mind; and so are opened up to us the two chief parts of memory: (1), the passive ability of retaining ideas, and (2), the active power of recalling them.

1. As to the first of these it is one very secret and mysterious, yet in all things fundamental. An idea is presented to us which, under certain circumstances, we receive and appropriate. But it is evident that the mind cannot retain the myriad ideas which are constantly suggested to it. Indeed its being able to do so would be of no possible advantage. The greater part of the subjects which successively occupy our thoughts depart without leaving any impression of their presence. We have, then, to consider what the conditions are

which lead memory to retain some things in preference to others, and we find that there are two principles of our nature which influence it, viz.:—*attention* and the *association of ideas*. But as this latter has more to do with the recalling of ideas, we will leave its consideration for a while.

Attention is the power we possess of concentrating our thoughts on any subject, for any length of time, to any degree. Men have disputed as to whether this *direction of consciousness*, as it is sometimes called, is really essential to all the functions of memory: and, in support of the theory that it is not essential, they bring forward dreams, which are often painfully remembered in the morning, although, they say, no act of attention has been exercised in the night. But it would seem that in this, as in all apparently unconscious operations of the mind, there must be some degree of silent attention exercised: else, why is it that when a preacher stops in his discourse, every sleeper in the church wakes up? At any rate, no act of voluntary memory can be performed without it. And the memory of particular events or ideas is in exact proportion to the degree of attention exercised in securing them. If we read a book attentively, the ideas contained in it are mysteriously wrought into our mind: they become ours as if they belonged to no other; and, if we would, we cannot dislodge or annihilate them. If, however, our reading be inattentive, page after page is turned over in vain; despite her keenest susceptibility, memory will only be darkened by the shadow of the passing ideas.

In order to the co-operation of this faculty, the mind must take an interest in what memory would acquire. No matter whether it be attractive or repulsive, tough metaphysics or tender romance, we must feel a sympathy with the author's subject, and a longing to see light in his light. Without this absorbing interest attention will surely flag.

Curiosity is an efficient help in securing attention. This is an innate desire for knowledge, growing with our growth, and generally proportioned to the mental capacity. In different persons it is of different degrees, tends in various directions, and so determines their various pursuits and callings. The action of curiosity is often voluntary and capricious. Sometimes a passing phenomenon or a hidden mystery excites it; at other times it is dormant in the presence of perplexing wonders. But it may be brought to a great degree under man's control: he may direct it whither he will and stimulate its action in his service.

Again, the attention is secured by whatever appeals to the *passions*. These, comprising the desires, appetites, and affections, may be said to make up the whole of conscious life. Goethe

calls them the steeds that draw the car of existence. And this is true, for every word we say, every deed we do, is under the influence of one or other of them. We all know how we are affected by our appetites. If a man be hungry, and among other objects a good dinner be set before him, there can be no doubt as to what will most effectually rivet his attention. An epicure does not forget the sumptuous feast to which he sat down years ago. To the thirsty traveller in the desert no sound is more grateful than the murmuring waterspring, and the remembrance of the time and place where he first heard it will dwell with him for ever. Anything, too, affecting the desires fixes the attention. If a man have the love of riches, he will be instantly arrested by anything that appeals to his ruling passion; and, if a treatise on the best means of getting wealth be the subject of his study, how eagerly does his attention settle on it, and transmit it to the care of memory. All that touches our affections has immediate influence on this faculty. *Memento-runt omnia amantes*. Why do we so vividly remember the faces and hand-writing of our dearest friends, and why do they haunt us from our earliest days to our last moments, but because they have been impressed on our memory by love. *Fear* or terror is equally powerful, for the man who has seen a ghost even in imagination only, never forgets the vision. *Hatred* has a most wonderful capacity of remembrance: the most trivial look, the most insignificant act, is treasured up by her. *Benevolence* loves to linger over the object of her pity: *resentment* gloats over the memory of him who feels her weight. In fact, there is not a principle of our nature, from the peaceful consciousness of our being, up to the stormiest passion that can shake our heart, which, if it be appealed to, will not gain the attention and so secure the memory.

If, then, this be the case, gentlemen; if our passions be the winds by which the waves over which the treasures of knowledge must pass into the mind, how necessary that they be always under our control!

2. Let us look at the active power we possess of recalling ideas, which is equally important with the passive ability of retaining them. These two powers mutually depend on and support each other. The power of recalling ideas involves the previous power of acquiring them. We cannot recall what we have not acquired, and acquisition is useless without the power to recall.

The faculty we have of recalling ideas is sometimes unaccountably and to all appearance capriciously exercised. Often an idea with which we were familiar years ago is brought to our minds in the strangest manner. There being no assignable cause for its coming

it yet thrusts itself before us when we least expect it. But there is a law of our nature which secretly influences the most unconnected thoughts, and this is the *association of ideas*. We have a thousand minute remembrances in the succession of which we can see no possible order, and yet there is a governing principle regulating the manner in which they succeed each other: the association of ideas is at the head of the whole world of thought. This principle is so mixed up with all the workings of memory, that some have resolved all memory into it. But here they are evidently wrong, for the mind cannot associate thoughts which have not previously been made her own, by the power of retaining ideas which memory alone possesses. This association is a general law of our mental economy, incapable of more accurate definition, though called by various names. It is a law which so orders it that one thought which we indulge in shall suggest another, and so on to infinity. The use and need of this law are apparent, for, since it is the means by which we recall ideas, it is the basis of the whole fabric of a ready memory. It has been classified under the four following heads, associations of *resemblance*, of *contiguity in time and place*, of *cause and effect*, and of *contrast*. Thus, to illustrate these:—

(1.) The sight of a faithful portrait suggests the idea of the original; and, if any two objects be alike, the idea of the one calls up that of the other.

(2.) The sight of a particular street suggests the street into which it leads: our friend's hat connects itself with his absent head: the arm-chair reminds us of its usual occupant.

(3.) We see a wound and directly think of the suffering it causes: conversely, the flowing tears suggest some bitter grief: so, too, the world reminds the devout of the Great first Cause.

(4.) The idea of a giant raises the notion of a dwarf: selfishness contrasts itself strong with generosity: we think of disease as the opposite to health.

It is clear, however, that there are not always fixed laws for the succession of every thought. There may be large classes of our associations not referable to either of the above principles, but to others of which we are yet in ignorance, and which may be undefinable. Although every one can furnish for himself illustrations of this, I will quote one from the *Leviathan* of Mr. Hobbes. At a conversation on the death of Charles I, a royalist gentleman present startled the company by asking the value of a Roman denarius. On inquiry it was found that his thoughts had been led to the subject thus. The idea of the king's death brought to his mind that of his betrayal by his pretended friends. This led him by natural transition to

our Saviour and Judas Iscariot, which again brought him to the price of Judas' treachery. Thence his thoughts were directed to the amount of the traitor's reward, which finally led him to his seemingly incoherent question. Cases as singular as this are of such constant occurrence as to render further remark superfluous.

The association of ideas takes its rise in a voluntary effort of the mind, perhaps affected from without, by which some patriarchal idea is first secured. A man may have so little control, however, over his mind, that no connected train of thought can long maintain itself free from desultory rambling; but it is the glorious prerogative of educated men to have the mind under such discipline, that the succession of its thoughts shall bear the impress of its great ruling idea. Hence the necessity that our aims in life, the objects on which we best love to dwell, our great governing principles, should be such as to give a wise and manly tone to our associations. Hence the necessity of a mind so ordered, that all its thoughts, on whatever subject, shall flow in a neat and orderly succession.

I have thus tried to explain the powers of memory, and the springs which regulate its action. Let us pause for a moment to consider the completeness of the provisions for its manifold operations. We see the mind able to concentrate itself on any single object to the exclusion of others. This is by the power of *attention*. All that is thus intently regarded is deposited in the mind, of which henceforth it forms an inseparable part. At any time we are able to summon these objects, or our ideas of them, into our mental presence. As, at our bidding, they come, they bring with them countless other ideas, passing before the mind in endless sequence. And thus myriads of dormant thoughts, which must otherwise have waited for an independent act of recollection, are suggested to us by that mysterious law which we call association of ideas. All this is memory: and what a complication of wonders does it not present to every one who soberly and earnestly ponders its resources.

III. Let us, in the third place, consider memory in its connexion with our bodily organization. Without dwelling on the mystery of the intimate union of two such incongruous things as mind and body, we know that, since all our mental operations are conducted through the medium of the brain, the mind is conditioned by physical influences. And learned men tell us that memory, of all the mental powers, has the closest connexion with the bodily functions. I shall simply show the varieties of this dependence, giving a few unconnected anecdotes by way of illustration.

1. Memory seems to keep pace with the several stages of human life. In infancy it is in

abeyance, and hence infants have no consciousness of personal identity. No man can recollect himself as an infant, or recall the circumstances of his earliest existence. But with the growth of the body memory begins rapidly to wake up and develope, and even in childhood the mind is susceptible of impressions as deep and lasting as any which it receives in after years. Many of life's pleasant remembrances with which our mind is now stored, and which will linger with us to the end, are those we have brought with us from childhood. At the time when we get our education in knowledge, memory seems to be at the acme of its strength. This may be in part ascribed to constant daily practice, but we cannot doubt that the school boy who has to learn a thousand uninteresting rules, and load his mind with numerous unconnected words, exults in the vigour of his memory. In after years it will never gracefully submit to the lessons of youth; and so, in the studies of our maturer life, reason is more consulted, while memory is appealed to less. The effect of old age on the memory is familiar to every one. The decline of memory in company with the bodily powers may be thus accounted for. Age blunts the sensibility of the passions, so that to secure the interest and attention of an old man becomes a work of difficulty; and without these the whole fabric of memory falls to the ground. But a singular fact connected with the decay of this faculty in old men is, that while they are unable any longer to acquire new ideas, they keep the power of recalling those which they have acquired before. This is the reason why they so thoroughly remember the events of their early life while they forget those of a recent date. Hence they remember a long story perfectly, and with a laudable minuteness they preserve the sequence of facts, while nevertheless they forget every instance in which they have repeated it. This gave rise to a remark of Dean Swift, who wondered that old men should remember their anecdotes so distinctly, and yet have so little memory as to tell them twice in the course of the same conversation.

Let us for a moment consider the exquisite harmony which subsists between this faculty and the several periods of life. In early youth the mind is free from those cares of personal existence which never fail to come with ripening years. Then the mind stands on the threshold of life, for the due improvement of which it has to prepare by laying in a store of discipline and knowledge. Many are the dry and wearisome and difficult studies that have then to be pursued. Is it not, then, a beautiful harmony which arranges that in youth memory shall be in her strongest vigour? In old age, when man is again free from the cares of active life and submits again to the guardianship of others, when we have no earthly future for which by

knowledge to prepare, then, and not till then, does memory depart from us, resigning all her powers but one, which, enabling us to live again the life of the past, serves to remind us of what she herself once was to us.

2. Let us see how this faculty stands affected by the bodily health. All its impressions must come through the brain, which receives them from the nervous system, which again is dependent for its tone on the general health. The body is freshest at the beginning of the day, and then is the time of memory's vigorous susceptibility. Every dreamer accedes to the truth of this, and it is acknowledged by the wise student, who knows that for learning his difficult task there is no time so fit as the early morning.

The effects of disease on memory cannot be reduced to any definite laws, yet, diversified and contradictory as they are, they must excite the deepest interest. It cannot be laid down as a law that all physical derangement affects the memory, for innumerable instances prove the contrary.

Sometimes the constitution is thoroughly worn out, and the energies of life are nearly extinct, while it flourishes in its ancient strength.

The faculties of the dying man are often clear and unclouded, and visions of early scenes and friends float before his mind with the utmost distinctness. It has been sometimes noticed that in the last struggle of dying nature, the memory has put forth powers almost miraculous. An eminent physician tells us of a lady who, just before the close of her last illness, spoke only the Welsh language, which she had discontinued from childhood and apparently forgotten. A Lutheran clergyman in America states that some Germans and Swedes, whom he visited in their dying hours, were able to pray fervently in the mother-tongue which they had not spoken or listened to for many years. In some persons when near death the memory has been so vivid, that an appeal to it has been the means of their unlooked-for recovery. An aged Scotch woman was apparently at the point of death, when the mention of an eagle's nest which in her childhood she had often visited, roused her to instant consciousness and recovery. Another case is that of a gentleman who had lost consciousness of things around him and was in a hopeless state of catalepsy. Among the companions of his early life who visited him was one who was seized with a sudden impulse which was productive of the happiest results. He pointed to the sun which was then setting, and impressively quoted some classical lines of which he knew the sufferer had once been fond. The sick man was filled with emotion, he gazed long and thoughtfully

on the speaker, and, to the surprise of all present, he mentioned the author's name and finished the quotation. From that moment his recovery was gradual.

As a general rule we cannot doubt that memory is more or less affected by disease, sometimes beneficially, most times hurtfully. It is well known that all those diseases which man by his vices brings on himself have a most pernicious influence, as on the whole mind, so especially on the faculty of memory. As proof of this, let me give a singular instance of the effect of drunkenness. The slave of this vicious thirst was a porter, and most strangely affected was he by his besetment. What he did when sober, he totally forgot when in his degradation: and of what he did when drunk, in his rational moments he was quite unconscious. Under the influence of his vice, he remembered only the drunken past: when free from it, he retained only the recollection of his sober actions. Thus he contrived to keep up two running lines of existence, without reaping the advantages of one.

As we cannot specify particular diseases as always followed by particular effects, I shall simply give some unconnected anecdotes in illustration of their general influence.

A much-to-be-pitied individual is said to have sustained an injury in his tenth year, from which time his memory became utterly torpid. But the mystery is that he distinctly remembered all that man usually knows of the first ten years of his life.

An eminent physician tells us that a gentleman met with a misfortune, by which the memory of exactly four years of his life was taken from him. He could distinctly recall the former part of his life, but of the last four years he was utterly oblivious.

I am sure you will pity the sad calamity of a scholar who, by a sudden stroke of disease, entirely lost his knowledge of the Greek language. His other acquirements remained still his own, as doubtless did also the memory of the loss he had sustained. May no candidate for matriculation forget his optional language on the eve of examination!

A similar case is on record in which a woman was so frightened by the partial fall of the church in which she was worshipping, as to lose all remembrance, not of the accident itself, but of the three days preceding it.

It has often occurred that memory has been shorn by disease of some of its peculiar functions. A literary man of the last age was unable, after a stroke of paralysis, to call any thing by its right name, though the things themselves he distinctly remembered.

But I must not omit a remarkable case, which some years ago occurred in Philadel-

phia. A Miss R. was attacked by a species of paralysis, which, while it left her other faculties unscathed, entirely destroyed her memory. Her mind was thus reduced to a perfect blank, and her education had to be commenced again. She had learnt the alphabet and gone through some of the elements of knowledge, when another fit restored her to her former self, and she was once more in possession of her usual powers and learning. A third fit brought her down again, and by a fourth she was again restored. So she continued alternately in one or other of these conditions. In the one she knew several persons, and was mistress of several accomplishments: during the other she was a mere child, unable to read or write, and struggling in her ignorance with the rudiments of knowledge.

Powerful emotions amounting to disease have been known entirely to suspend the functions of memory.

A room may be crowded with persons, all of them conversing with animation, and a man wrapped up in melancholy reflection may see and hear all that passes, without remembering a single incident. This is especially seen in the case of men who have recovered from hanging, many of whom have declared that, from the time of leaving their cell, they had no consciousness of what occurred, although they performed many voluntary actions while on their way to the scaffold.

I shall conclude my remarks under this head by giving one last illustration of the subjection of memory to disease. A lady of considerable attainments was attacked by a malady which, at its departure, left only this effect upon her—the total eclipse of memory. Her other faculties remained intact, her judgment was still vigorous and correct, her imagination was vivid as before, but *memory* was gone. As far as the ordinary routine of life went, its place was in some small measure supplied by habit; but in all cases where intervals of time occurred, she was in fancy itself. Her reading was the gratification of the present moment, her intercourse with mankind was that of a stranger with strangers. The past in her existence was blotted out, and thus in some respects the fairest part of her life was gone.

IV. Let us briefly glance at the varieties of memory in different individuals, for men's minds share in the infinite variety which we see in their bodies. One man is endowed with the loftiest genius, another suffers that mental destitution which leaves him an idiot. There obtains among mankind the most comprehensive variety in the allotment of the various faculties. While some are endowed with an equal and moderate proportion of all, most are remarkable for the preponderance of some one particular talent. The strength of one man

lies in his reasoning powers, another prides himself on the vigour of his imagination. One man revels in the exercise of wit, another glories in a capacious memory. But the fact that one man, while he has some measure of all the faculties, yet possesses some *one* in predominance, implies that there exists a very great variety in the distribution of the same faculty. Observation confirms a truth which, if it applies generally to the mental powers, holds good especially with regard to memory, in whose bestowment is visible surprising inequality. Often to this variety men trace the numberless distinctions which present themselves in life. Two individuals are observed to be very unequal in respect of their attainments, while they both spend equal time and labour on intellectual pursuits. The one is compassionate because he has a bad memory, the other is felicitated on his good one. The same may be said of two boys in a family, and the gradations of merit in a school are said to be regulated by the same standard. It has come to pass that the fickleness of nature in her bestowment of this faculty is regarded as the source of the distinctions to be found in intellectual acquirements.

But let us look into the variety itself. We find some men have a wonderful facility of retaining everything, while others less fortunate have a memory for nothing. In the case of some, to read a book is at once to make it their own, while others vainly con the weary pages. To some the past is distinct as the present, to others it is only a misty cloud. One is a Corsican boy who can rehearse forty thousand words, whether sense or nonsense, as they are dictated, and afterwards beginning with the last word repeat them backwards without mistake. Another man is Montaigne, the French Essayist, who, though a man of genius, has a memory so feeble that he can trust it with nothing. He is obliged to note down all the minutiae of his daily affairs, and he sometimes forgets why he goes out of doors. One man is a very dwarf in memory, another a huge Leviathan. This difference may be in some degree owing to cultivation, but in all these cases of extraordinary memory, nature is undoubtedly the all-important cause.

Seeing this many have laboured to assign the reason of her unequal bestowments, but numberless facts prove the fallacy of the attempt.

It is often contended that a good memory is rarely joined with a sound judgment or a quick imagination. This is simply absurd, for there is no wisdom in supposing that, because a man evinces a wonderful power of retaining thoughts, therefore he has no power to think them for himself. No law can be laid down on this subject. Many men of gigantic reasoning powers have had most retentive memories, as in the case of Sir Isaac Newton. Many men, too, of weak memories have had acute

and vigorous understandings, of which Montaigne above-mentioned was an instance. Facts go to show that memory is not in ratio, either direct or inverse, with intellectual ability. The horse, the dog, and the elephant, which no one accuses of reason, continually exhibit amazing feats of remembrance.

Again: some assert that a preponderance of any talent in the mental constitution is accompanied with a proportionate memory in the same department, and that so a mathematical genius is endowed with a mathematical memory, and a natural orator with the species of memory his art requires. This wrong supposition destroys the integrity of mind, and casts down memory from its seat as an original faculty. I should not mention the theory, did not some facts seem to countenance it. Many of the great musical composers have shown incredible strength of musical memory, acquiring and retaining the most intricate pieces of music after once hearing them; while as to other things their memory was as that of other men. Many poets, too, of ordinary memory on most subjects, have in their own sphere been extraordinarily gifted. Lord Byron, for instance, is said to have known by heart every line of his voluminous poems. But it is needless to resort to the theory I have mentioned for the solution of these wonders. The enthusiasm of these men gave their attention, when directed to their favourite studies, a force and energy which no other subject could inspire; for memory is always strongest when dwelling on the theme to which it is habitually directed. So that what some would attribute to nature, we may safely impute to cultivation.

But, after all, as the points of difference between a prince and a beggar are not so many as those in which they are like one another, so the disparities of our different memories are not so numerous or vast as the points of their resemblance. If we exclude a few men of extraordinary genius or imbecility, we may suppose the rest of mankind to have minds and memories of nearly equal capacity. There is scarcely any one who has not ability to learn the use of language. Every one can recognize at first glance the forms of an infinite variety of surrounding objects, and acquire such an acquaintance with the laws of nature and the conduct of human affairs, as is necessary for directing his course in life. When we reflect that the worst memory among us has now stored in it many thousands of thoughts and scraps of knowledge, every one of which it can at a moment's notice command, we shall be satisfied that the natural disparities among men in their respect are not nearly so great as at first view they would seem to be.

V. Let me conclude this lecture by a few hints on the cultivation of memory, which, as being the practical part of the subject, may

suitably make the last impression. The improvement of which the mind is susceptible by culture is especially seen in the case of this one of its faculties, a truth of which the most elaborate argument would not so soon convince us, as will a few wonderful facts which I proceed to adduce. These would seem utterly incredible, were they not handed down to us on the best authority.

1. Scaliger, the illustrious classic, himself records that he learnt in twenty-one days the whole of the Iliad and Odyssey, that is, some sixty or eighty thousand lines of Greek verse. Doubtless his powers of retention were naturally strong, but the constant habit of attuning his mind to the melody and rhythm of Greek poetry must have been the main instrument of his success.

2. Justus Lipsius is said to have had by heart the whole of the voluminous histories of Tacitus. His deep reverence for that author, and incessant perusal, must have been the means of his astounding familiarity with his writings.

3. We read of the monks of the Middle Ages that, by constant practice they had so strengthened their memories, that they could learn off whole volumes of the ancient classics without much difficulty. These men are wondrous instances of what cultivation does for memory.

4. But there is an instance in modern times of a power of memory which has scarcely been surpassed, and its solution must be mainly sought in persevering application. An old beggar in Stirling was so conversant with Holy Scripture, that he could tell the number of chapters in every book, and the number of verses in every chapter, throughout the Bible. If any verse were misquoted he would instantly detect the misquotation. Once he was asked to repeat the ninetieth verse of Numbers vii, on which, after a little hesitation, he replied: "You are fooling me, gentlemen, that chapter has only eighty-nine verses."

5. Sir Walter Scott had attained to a wonderful comprehensiveness of memory. After reading the Pleasures of Hope for the first time, he could repeat every line of it: and his powers were always thus at his command. Sir James Macintosh, Sheridan, and many others, are prominent examples of the same truth.

These men, however, had trained their memories in some one particular branch of study, about which they felt an overwhelming enthusiasm. Others there are who have cultivated this faculty generally, so as to have it at command on any subject. Of these the renowned Dr. Thomas Fuller is one, of whom we read that, after once walking from Ave Maria Lane

to the extremity of Cheapside, he enumerated every shop which he had passed on his way, with the inscription over it.

2. Magliabechi, the celebrated Florentine, once received from a friend a long Latin composition, that he might read and give his judgment thereon. Some time after the paper had been restored, the writer came one day to Magliabechi in great distress, saying he had lost it, and begging him to try and remember as much of it as he could. Very soon the Florentine presented his friend with an accurate copy of the departed manuscript.

In the early ages of literature, before men knew the art of printing, memory was far more generally valued and practised than now. Homer and the great dramatists delivered their immortal poems to large audiences without book. Poets then could not multiply copies of their songs for general circulation. Favourite works were in most cases committed to memory, whose ordinary feats *then* would seem almost incredible *now*.

Thus you see by many brilliant proofs how gratefully and well memory repays men for their care and cultivation. Need I use argument to try to induce you to make *the most of your memory*? As you cultivate it, so stands or falls the value of your whole mind. As a house to which there is easy access by a spacious avenue is more worth than one the path to which is dark and narrow, so the most valuable mind is that to whose secret places there is easy entrance by a ready memory. Here interest and duty are sweetly blended. It is memory alone that enables you to transact the affairs of your daily life; it is her finger which in the light of the past indicates your future; through her you are conscious now of your own identity, many of your purest and most refined enjoyments spring from her; she is the key of your knowledge, actual and potential; in fact, it is hardly too much to say that memory has made you what you are. Both gratitude and self-love, therefore, bid you imperatively to labour hard to strengthen and expand this all-concerning faculty.

2. Let me briefly now denote the method in which this task should be performed. Nothing can be done in this respect but by daily constant practice. There must be a gentle but unceasing strain on the mind, which shall gradually enlarge and widen it. I do not say that sudden spasmodical efforts are of no use in strengthening the memory—that would be to deny that ours had ever been strengthened at all—but I do say that, if you would develop a memory at once susceptible, capacious, and ready, it must be by regular connected practice. You must do something every day in carrying out your great design. Every day you should have some stated time in which

to learn some stated task. As your memory gradually grows stronger thus, your task should increase in length or difficulty. Nothing should come between you and the execution of this rule. Then, at other hours, when your minds would otherwise be vacant, the things you have acquired should be recalled. They should be the centre of your thoughts, the theme of your meditations. Then, again, your conversation with others should often turn on them, for this is an effectual method of permanently fixing them in the mind and of drawing out your power of ready recollection: and thus the two chief parts of memory would be systematically developed. This is no poet's dream or enthusiast's vision, it is the outline of a plan which has been proved and approved by the greatest philosophers. There are two principles by which you must be guided in carrying out this plan.

(1.) You must make a proper selection of subjects to be remembered. Every thing that is heard, or read, or done, is not worth retaining, and each one must judge for himself what he will remember. The mind must not be left to receive or reject according to the impulse of caprice or the direction of chance. Only such books should be chosen as convey in the clearest manner the subject of which they treat. It sometimes happens, because we read too much, that we only gain doubtful confusion instead of accurate knowledge. Here our vigilance cannot be too great.

(2.) Then to every thing which we wish to know, we must direct a steady attention. The dependence of memory on this faculty I have before endeavoured to show. To fix the attention is exceedingly difficult, and the fault with most of us is that we succumb to, instead of resolutely mastering, the difficulty, and compelling our vagrant attention to the point.

3. Let us lastly see what *helps* we have in this our undertaking. The best of these is one which nature herself supplies, and which consists in the habit of *arrangement*. As the exercise of fixed attention makes every thing our own, so an orderly distribution of our acquisitions tends to keep them so. Every solitary idea goes to form part of the grand fabric of universal knowledge. In this huge mass it would soon be lost from us, were there not certain general principles which guide us in its first disposal. Knowledge is divided into several branches, these again are sub-divided into many classes, under one or other of which every idea may be logically placed. It has then a safe resting-place, an appropriate niche in the grand temple, where it may abide till we summon it before us.

(2.) Another important help to memory is the habit of writing notes of our knowledge. Too extensively adopted, this practise

is apt to weaken the mind, but used with caution, it is one of its best assistants. If any one takes the trouble to write out the ideas he has acquired in his own words, and according to his own arrangement, he will be much more likely to retain them than if they were learnt from the book and in the words of the original. Occasional notes, too, of our various studies are of great utility; but every one can follow out these suggestions for himself.

(3.) Time would fail us to enter on the history of mnemonics, but the chief *artificial* help to memory was one of which the ancients largely availed themselves. Their most accomplished orators were accustomed to study their speeches as if in the room where they were to be delivered, connecting the several parts with the different corners, pillars, and other objects in the apartment. We know that they arrived at great skill in the use of this topical memory.

The most elaborate help was one published by Dr. Grey, in a book which he called "*Memoria Technica*." In this he exchanged the numerical figures for letters of the alphabet, and thus made simple words to stand for dates. These being affixed to the names of persons, places, or any particular events, as terminations or post-positions, materially assist the student in retaining the chronology.* But all these devices and systems are not to be compared with that grand help which memory derives from constant ceaseless practice.

The most interesting part of our lecture is at hand, and I have only to observe this in actual conclusion. If, gentlemen, anything I have this evening said has given you a loftier ideal of memory, and impressed you with the importance of its cultivation, let me express my hope that you will act up to your conviction. If such be your resolute purpose, I congratulate you, for knowledge is power, and memory is the key to knowledge. I may also congratulate myself, for my highest aim will have been accomplished; and, among our other remembrances, perhaps this evening's occupation will not be forgotten.

'Forsan et hæc olim meminisse Juvabit.'

* Dr. Grey's system:—

a	e	i	o	u	au	oi	ei	ou	y
1	2	3	4	5	6	7	8	9	0
b	d	t	f	l	s	p	k	n	z

EXAMPLE—The twelve Cæsars in two memorial Hexameter lines.

The Chronological terminations are in italics.

Julius Augustus et Tiberius Caligula Claud,

Nero Galba-Otho seu Vit-Vespasian Titus Domitian.

The first six general councils of the church, with popes, emperors, and heretics concerned.

Nic Syl Con Ari tel, Co Do The Mateb, Eph Ce The Nes fl Chal Le Mar Eu Diola, Co Vi Just Olut C Ag Co Po Mon Setz.

THE REVENUE REGISTER.

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MADRAS REVENUE RECOVERY ACT, II OF 1874—II.

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We pointed out in our last impression some of the hardships which result to holders of land in the working of the Madras Revenue Recovery Act, and promised to suggest some means of mitigating the evils complained of. But first, it is necessary to examine into the causes which lead to these evils. Foremost among these causes, ranks the prohibition against the registry of fractions of survey fields. Now, the law of primogeniture is unknown among the Hindoos; partition of property, with very rare exceptions, being the result of inheritance. Why, then, should Government refuse to recognize every holder of land, however small his holding, as a landholder? The arguments generally urged in support of this prohibition may be briefly summarized as follows:—

1st. That such sub-division tends to create and increase pauper holdings;

2nd. That it will undo the work of the Survey Department; and

3rd. That it will entail considerable labour on the Revenue agency, both in the collection of revenue and in the preparation of accounts.

To answer the last objection, one's attention has simply to be directed to the vast amount of work entailed on Revenue officers in disposing of objections to the sale of land for revenue arrears preferred by owners and occupiers who may not be puttahdars, but who have been aggrieved by the summary procedure of revenue recovery. When the sub-division of survey fields is freely permitted, all this labour will vanish as the right to the land and possession of puttah will always go together, and all interests will be duly registered and recognized by the Revenue authorities. Besides it is notorious that while some saving of labour is effected by refusing to sub-divide fields in the Revenue Department, an increase of double or treble the saving effected is added on to the work of the Civil Courts which have often to interfere and correct the arbitrary procedure of revenue officers; so that this argument is obviously based on principles of miscalculated economy, which is, practically only a penny wise and pound foolish system.

That by permitting sub-divisions, the results of the survey will become obliterated, is not an argument that can be pleaded for the continuance of a hard and fast prohibition which, it has been seen, is the fruitful source of so much oppression and injus-

tiqe; while, on the other hand, it may be fairly urged that the survey has nowhere proceeded with any uniform standard of what area is to constitute a field, but on the contrary that the arrangement into fields is of all sorts and kinds, sometimes less than an acre constituting a survey field, while in other instances 15 or 20 acres form but a third or fourth of one.

The first argument, viz., that by permitting sub-divisions, pauper holdings will be increased, has been made much of. We believe there is actually nothing so serious as to call for apprehension in the increase of petty—not pauper—holdings. Permit them to continue and increase, and they will work out their own extinction. They constitute a state of things which remedies itself, and does not depend for its relief on any legislative interference. It must be seen, that when the process of division and sub-division has arrived at a certain point of practicability (which, however, must, in each case, be left to circumstances to determine), any further sub-division of property will become virtually unprofitable to persons having occasion to make partitions of property. Take the case of one acre of land being inherited by eight heirs of the last proprietor. That each of them can earn his livelihood out of his share of this land, is a physical impossibility. In such a case, therefore, rather than divide the property into eight insignificant shares, they would prefer to sell the whole and divide the profits, so that when some such *ne plus ultra* point has been reached, there will be a re-action and a tendency to increased holdings. The term ‘pauper holding’ is a misnomer when applied to any extent of land, however small by comparison it might be, provided it is capable of maintaining its holder partially at least. When it ceases to do this, it will be the interest of its owner to dispose of it and to find a more remunerative

object upon which to expend his labour and capital. The system, it will thus be seen, carries with it its own antidote and is self-corrective; but like the old cry of the Church being in danger, it has been simply held up too often as a mere bugbear.

The next cause of injustice and hardship to which we would draw attention, is the absence of legislative provision to compel the registry of all transfers of revenue-paying land, so as to render unregistered transfers invalid not only as regards the revenue authorities but to all practical purposes and intents. Regulation XXVI of 1802 contained such a provision, but Act X of 1861 repealed it so far as it related to the decrees of Courts; and this, combined with the prohibition against minute sub-division, has rendered that enactment a dead letter. When such a provision is introduced it will be the interest of every proprietor to register his holding before the revenue authorities. And it certainly is not too much to ask a paternal Government to compel its people, still in a state of primitive ignorance, to do what is good for them, instead of leaving them to find it out for themselves by bitter experience; for so long as the registry of transfers is left optional, there will still be scope for mischief.

For other causes of the lamentable state of things which we have endeavoured to expose, we are indebted to the vagueness and shortcomings of the provisions of Act II of 1864. That Act makes the defaulter's person and his personal and real property liable to be proceeded against for arrears of revenue, but it is entirely silent as to whether moveable or immoveable property is to be proceeded against in the first instance, leaving this most important question to be determined at the discretion of the taluk or village officials—a discretion which is capable of great abuse

either through sheer stupidity or motives of fraud. As the law now stands, for an arrear of 2 Rupees, land worth Rupees 200 may be brought to the hammer with perfect legality, notwithstanding that a couple of *chemboos* belonging to the defaulter would more than realize the amount due. We would therefore suggest that it be made a rule, never to be departed from, that in the first instance, the standing crops, next the personal goods of a defaulter be taken in satisfaction, and that not till both have been tried and found inadequate, the land should be proceeded against for the recovery of arrears of revenue.

The want of due publicity to the preliminary proceedings, which is almost always pleaded as an objection to sale for arrears, on appeals being preferred, is very often but too true. No doubt the intended sale of the land is advertized by publishing a notice in the District Gazette, and by affixing similar notices in one or two offices; but in remote parts the mass of the agricultural population being illiterate, it is not till the village drum is beaten and people begin to congregate, that the intelligence slowly reaches the villagers that a sale is about to take place; and then it is too late for any one interested in the land to tender the amount due and claim a suspension of the sale. The *locus penitentiæ* is past with "the evening of the day previous to that appointed for the sale." We fail to perceive the *raison d'être* of this limitation. If it is intended by this to shut out all hope of mercy to the persistent defaulter after the day previous to the sale, it can always be successfully evaded as there is no prohibition either in the Act or in the departmental rules against a defaulter bidding for his own land on the day of sale, and he may safely out-bid the

highest bidder, being sure that every pie of the sale proceeds, after discharging arrears and costs, will find its way back into his own pockets; while, on the other hand, persons other than the defaulter, who may have an interest in the property, are deprived of a most valuable, and perhaps the sole, opportunity of protecting their rights. We would, therefore, recommend that every facility be afforded for the redemption of the land up to the last stroke of the hammer, even until the final "once! twice!! thrice!!!" are pronounced; for who knows but that this act of grace which militates against no one's rights or privileges might prevent the bread being snatched out of the mouth of some helpless orphan or widow.

The sources of injustice will be still further diminished, and even the faintest possibility of the occurrence of "hard cases" removed, if the law were to make all revenue sales subject to incumbrances which may have accumulated on the property, *i.e.*, if it were to sell nothing more than the right, title, and interest of the defaulter; and if some limitation, say, a year or two at the utmost, be prescribed, after which the recovery of Government dues should be barred; for this will check dilatoriness and the accumulation of arrears; while at present, as the consequence of the principle that Government revenue may be recovered after any length of time, *bonâ fide* purchasers of property for full value are often made to smart for the negligence of some former proprietor of the land and for the *laches* of the revenue officers.

HIGH COURT—MADRAS.

[Full Bench.]

MORGAN, C. J., AND HOLLOWAY AND INNES, J. J.
Breach in public channel—Suit against Collector to close—Right non-existent in ryots.

Certain ryots sued to compel the Collector to close a breach in the bank of a public channel by which water flowed first to their village and then to another village, urging that, when the water escaped through the breach, they did not receive all the water to which they were entitled.

HELD, that there was no infraction of any legal right existing in the parties themselves, and that, therefore, it was not a case for granting an injunction.

R. A. 90 of 1872.

Naraniah and eighty-five others v. Mr. Puckle,
 Collector of Tinnevely, and
 ninety-one others.

THIS was a suit to close certain breaches in an irrigation channel which supplied plaintiffs' village. The suit (O. S. 8 of 1871) was filed in the Court of the Civil Judge of Tinnevely, and came on for hearing before Mr. Francis Culling Carr, from whose judgment (delivered on 16th March 1872) the facts of the case fully appear.

"The plaintiffs in this case are the ryots of Alvarkurichi, whose lands are irrigated by a channel called Tenkal. This channel is supplied from the Gadana river; an anicut, called Chettikolum, damming up the water of the river and turning it down the channel. On the lower, or south-eastern, side of this anicut are two openings, through which some of the water goes into the river. The plaintiffs assert their right to have these openings closed, so as to send more water down the Tenkal: and there has been a dispute about this between them and the ryots of Ambur, whose lands are watered by channels fed from anicuts lower down the river, the channel next below the Tenkal being called the Perunkal. The plaintiffs assert that whenever these openings were made by the river it has been their custom to close them, and that their right to do so was not disputed till 1868-69. The dispute was brought before the Revenue authorities, and the Sub-Collector sanctioned their being closed: which order was set aside by the then Collector, Mr. Longley, upon which the plaintiffs appealed to the Board of Revenue, who referred the matter back to the Collector for report. Mr. Longley thereupon reported that the openings were breaches, and not natural openings, but that as they had been open for fourteen years, he proposed to leave

the aggrieved parties to civil action. Upon which the Board directed a further inquiry by the Collector with the Superintending Engineer, in order to settle officially what was the character of the openings and their exact effect upon the area irrigated by the channels; and the Collector was directed, if the openings were injurious to the Government or dangerous to the channel, to have them closed, although they might have been left open for the last fourteen years: but if not, he was to leave these disputants to civil action. On January 7, 1871, Mr. Puckle, who had then returned to the district, as Collector, examined the spot, and finding both of the openings closed, and being of opinion that one at least should not so remain closed, directed it to be opened, leaving the other a matter for further consideration. These proceedings were approved of, upon Mr. Puckle's report, by the Board of Revenue; that is, they declined to interfere. It is in consequence of this proceeding on the part of Mr. Puckle that the plaintiffs (the Alvarkurichi people) have brought this suit against the Collector and the ryots of Ambur, seeking to have Mr. Puckle's order set aside, and to establish their right to have these openings permanently closed.

These proceedings which constitute the cause of action are fully set forth in the Collector's Exhibits III and IV, which are copies of the reports from the Collector's office, and the orders thereon of the Board of Revenue. The Collector, in his written statement, as first defendant, maintains that his orders have been equitable, and fairly deal with the claims of both parties in the matter, and supports the views detailed in Collector's Exhibit IV. The other defendants, who are the Ambur ryots, maintain their right to have both these openings left open, though apparently they would rest satisfied with the arrangement now made by the Collector, by which one opening was to be made permanent and the other was closed. The following issues were settled:—I. Whether the plaintiffs are entitled to stop the water flowing out of the outlet marked A in the plaintiffs' plan, or whether the defendants, ryots of Ambur, have the right of having such outlet kept open. II. Whether the proposed arrangement by the Collector sufficiently provides for the rights of both parties. III. Whether the defendants, ryots of Ambur, are entitled to have both the openings kept open, or whether the plaintiffs are entitled always to keep the second opening closed after the building of brick opening above referred to.

The principal witnesses are Mr. Rundall, the Executive Engineer (first witness for plaintiff), Mr. Wiffen, the Sub-Engineer (second witness for plaintiff), Subramania Pillay (the first witness for the defendants), and Mr. Puckle, the Collector, who was examined as eighth witness for the defendants. From their

evidence, and from the exhibits, it is clear that there was no dispute at all about these openings before 1868. The plaintiff has filed certain documents showing that there were breaches in the channel before that date which had been reported upon, estimated for, and repaired; but beyond that they were part of the anicut, there is nothing to connect them with these openings while the measurements of the breaches themselves demonstrate almost positively that they were breaches in the channel bank lower down, probably near the place where the breach is marked in the large plan, Exhibit I, which is a true copy of the Department of Public Works' sketch of the locality. The evidence as to the nature of the openings is clear enough. They are passages made by the stream over a rock, or "paray," which probably at the time of the construction of the anicut was covered all along by a hard gravel. Before the anicut existed, the river must have flowed over the rock on which the anicut is built, leaving (except in extraordinary freshes) the now disputed spots high and dry: when constructed it was probably thought that this strong gravel on the top of the rock would not yield to the water, but the water, being by the anicut dammed up, was continually thrown against this bank, and so gradually has forced its way through the gravelly soil down to the hard rock. The openings having got down to the hard rock, cannot, as Mr. Puckle says, deepen, and owing to the nature of the hard gravelly soil at the sides, the widening, by the erosion of the water, will be a very slow process. Mr. Wiffen, the Sub-Engineer, who has lately come to this range, was of opinion that the opening was gradually deepening; but considering that it has now got down to the hard primary rock on which the anicut itself is built, there can be no fear of the deepening being of any perceptible increase in the course of years, and Mr. Randall says that "most of the other anicuts have wing walls, which this Chetty-colum anicut has not; it is more a revenue than a professional question as to whether these openings should be closed. They are not injurious to the safety of the work; if they were, I should say, on professional grounds, they should be closed." There can also be no doubt that these openings did not exist at the time of the construction of the anicut, since, as has before been remarked, it is only since the anicut was made that the water could, except in heavy floods, have reached such a height, and, therefore, as it is the unanimous opinion of all impartial persons, who have seen the openings, that they are made naturally by the action of water, they could only have been made after the water reached there, *i. e.*, after the construction of the anicut, and as Mr. Wiffen says, "It never could have been the intention of the Engineer who built

the anicut to have these openings; had he wished for a vent he would have built it and placed shutters so as to regulate it. Before the building of the anicut the water would not have flowed over this rock. The anicut is very old, built long before the English had the country." It is, therefore, perfectly clear that these openings are naturally made, forced by the water, subsequent to the building of the anicut, and not intended to be there when the channel was made; so, in order to make the channel as effective as it was when perfect, there is no doubt that these openings should be closed. It remains to consider whether it is necessary to have these openings left unclosed in order to give the ryots, whose sources of irrigation lie below this Chettycolum anicut, a fair supply of water, and whether this can be done without unduly injuring the rights of those who depend upon the Tenkal; or whether, though the openings were made subsequent to the building of the anicut, there has been nevertheless, for many years past, up to the time of the dispute, an uninterrupted user of these openings, which would constitute a right on the part of the lower cultivators to have them permanently. Now, with regard to the first of these points, we have the evidence of Mr. Wiffen, that it is in his opinion necessary for the efficiency of the Tenkal to have these openings closed. His opinion is entitled to some weight, for he has taken the levels: he says that the surface of the rock which forms the basement of these openings is $9\frac{1}{4}$ inches below the crest or crown of the anicut. There is no doubt that he greatly overrates the volume of water which passes over the rock, for he says, "When the channel is only quarter full, nothing goes over the rock; but if it is half full, water goes over. When the channel is quite full it is level with the crown of the anicut, so that, between full and half full, there is only a difference of $9\frac{1}{4}$ inches. The channel is here very deep." And yet he adds, "I should say that the amount of water going over the rock now was about the same as went down the channel." Now, considering the depth of the channel and the difference of level between the crest of the anicut and the rock, it is manifest that this is an exaggeration; in fact, it is clear that owing to his desire to have these openings closed, Mr. Wiffen's evidence is more that of a partisan than an unbiassed professional opinion. For instance, he speaks of the rock being soft and friable; we learn however from others that it is hard rock: he says the rock is worn away very much since the breach; whereas it is clear from the Collector's deposition as well as from others that the rock will not yield to water; and his opinion with regard to the effect of the openings upon the irrigation of the two channels is of no use, being only derived, as he says, from the Tahsil-

dar. As a contrast to this evidence we have that of the Collector who takes the opposite view of the case to Mr. Wiffen; he says, "If the two openings were closed, I cannot say, whether or no, the Ambur people would be able to raise a single crop. If there was no percolation, they would have no water at all; but it struck me that the two openings were more than the requirements of the case."

When, however, the levels taken by Mr. Wiffen were given to him, the Collector said that in that case the necessity of the openings was not so great as he had stated.

I accordingly sent for the Jummabundy accounts of the last four fuslies, in order to see what was the state of the irrigation under the two channels, viz., the Tenkal and that next below it, the Perunkal. These extracts are filed as Collector's Exhibits V and VI. From these it appears that there was, during these four years, full cultivation according to the ayacut, and even above it under each of the channels; and there had been fusul jastee, i.e., part of the single crop land had yielded a double crop under each. Under the Tenkal, where the single crop lands are about 434 acres, according to the ayacut, there had been,

in Fusly 1277—447 acres cultivated with second crop.

Do. 1278—454	do.
Do. 1279—491	do.
and in 1280—462	do.

Under the Perunkal, there are, according to the ayacut, 139 acres of single crop land, and of these,

in Fusly 1277—75 acres had been cultivated with a double crop.

Do. 1278—76	do.
Do. 1279—78	do.
and in 1280—80	do.

Now, it appears, that during these years the water was flowing through the openings at first, viz., in September 1868, as is clearly shown by the reports D, E, F: then that the openings were closed, subsequently that they were reopened, and again closed as they were when seen in January 1871, and since then one has been closed and one open. Now, if the effect were as great as Mr. Puckle anticipated, these alterations would have had a very marked effect upon the amount of extra cultivation even if it did not affect the regular ayacut amount of cultivation; but on the contrary, we see that the cultivation throughout these fuslies has been almost steadily, though slightly, increasing in both villages. The reason of this is discovered by the statement that about two hundred yards down the channel there is, as seen in the plan Exhibit I, and also in the Survey Map

of the locality, (extracted by the Deputy Superintendent of the Revenue Survey from the Original Survey Map, for the sake of, and at the request of, the Court), a surplus calingulah upwards of five hundred links in extent, which, as Mr. Wiffen says, has an uneven surface, but the average level of which is about $10\frac{1}{2}$ inches below the crest of the anicut, and, therefore, only about an inch below that of the disputed rock. Considering, therefore, that the channel is slow, the water which was just beginning to overflow the disputed rock would also begin to overflow the surplus calingulah. He accordingly says it would not be much use to the Tenkal to close up the disputed openings unless the surplus calingulah were raised to a level with the crest of the anicut. After passing the Chettykolum anicut, it is seen from the Survey Map that the Gadana takes a sudden turn eastward and runs parallel to the Tenkal for a considerable distance, separated by a piece of land about forty yards wide on an average, with a gap at the surplus calingulah. Consequently, it is very manifest that these disputed gaps, which have been made the means of a four years' quarrel, and have occupied much of the time of officers in the Revenue, Public Works, and Judicial Departments, are really not of much consequence one way or the other. At worst the rock is only nine inches below the Chettykolum anicut, and only an inch or two above the level of the surplus calingulah two hundred yards lower down the channel, and the opening or closing of them is shown practically to have very little effect. It has, however, been seen as stated above that they are breaches not in existence before the anicut, and not intended by the constructors of that work; and being, therefore, breaches, though the term Tambogi (a natural way by which water goes of itself) is not inapplicable; the Alvarkurichi people whose interests are involved in the Tenkal are at liberty to close them and to keep them closed, and as long as the crest of the Chettykolum anicut and that of the surplus calingulah are not raised, the Ambur people will not have any cause of complaint at all. There is nothing to show that prior to 1868, when this dispute arose, the openings had existed; so the Ambur people cannot claim the right of long and uninterrupted user; and there can be no doubt that no anicut is made with a crest higher than the adjoining banks, the very essence of its existence being that it should turn off into the adjoining channel all the water, except that which percolates, until the river rises above the crest of the anicut. The river below an anicut must always depend upon what flows over surplus calingulahs, freshes over the anicut, surplus drainage from higher irrigation, and local drainage, besides percolating water and springs in the river bed. Every breach in the adjoining bank, like these openings, must be faults in

the work, which should be repaired. If those lower down the stream suffer a diminution of what they are entitled to, the anicut or calingulah would have to be lowered, but they cannot look to a vague opening in a bank by which they may get an ever increasing supply. There is, I believe, no reason to believe with the Collector that the Ambur people will really suffer by the filling up of these openings; for there is no wish expressed on the part of the Alvarkurichi people to raise their anicut or their surplus calingulah, either of which would, no doubt, infringe upon the vested rights of others. I therefore find upon *the first issue*, that the plaintiffs are entitled to stop the water flowing over the opening on the rock south-east of the Chettycolum anicut, and that the Ambur ryots have no right of having such outlet kept open; upon *the second issue*, that the arrangement by the Collector does not sufficiently provide for the rights of both parties, inasmuch as he ordered one opening to be left unclosed; and upon *the third issue*, that the Alvarkurichi people are entitled to keep both openings closed. Under the circumstances, and seeing that this has been a village feud built upon a trifle without any great grievance either way, each party will bear their own costs in this suit."

From this decision two only of the defendants appealed, on the ground that the Civil Court had no jurisdiction to entertain this suit which ought to have been instituted in a Munsiff's Court; that the closing of the works in dispute would injure defendants materially, while allowing them to remain open would work no appreciable injury to plaintiffs; and that defendants had, by long enjoyment, acquired an easement to the flow of water through the openings in dispute; and that plaintiffs' suit was barred by the Statute of Limitation.

Hon'ble *Sunjiva Row* for appellants.

Scharlieb for respondents, pointed out that the Collector, on the part of Government, acquiesced in the decree and did not appeal; and that it was the Collector's act that was in issue, so that if anybody had a right to appeal it was the Collector alone, who did not appeal, but on the contrary stated his willingness to obey the decree of the Court. In support of the judgment, respondents' counsel urged that the breaches complained of were evidently caused by the action of the water and were no part of the design of the anicut, nor of the supply channel which was to carry water to the Alvarkurichi fields; that there was actually a calingulah $10\frac{1}{2}$ inches below the crest of the anicut, which abundantly supplied the villages below; that the evidence clearly showed that the closing of these breaches had no injurious effect on the cultivation of lands in the village of Ambur; that defendants could not prove *user*; that 89 out of 91 defendants

acquiesced with the Collector of the district in the judgment; that there was an anicut above which actually carried off water to the Ambur lands before plaintiffs' village could get any supply; and that the High Court had held in *Mutunallapa Reddy v. Ramasawmy Naick and three others* (II, *Madras Revenue Register*, p. 31) that the mere invasion of a right was a sufficient ground of action.

The appeal was originally heard by their Lordships the Chief Justice and Mr. Justice Innes, on the 13th December 1872; but as they differed in opinion, the appeal was reposted for argument on the 28th January 1873, before a Full Bench, consisting of the Chief Justice, and Holloway and Innes, J. J. On this occasion Mr. Justice Holloway threw out that the right claimed appertained to the Crown; and then the following oral judgments were delivered:—

PER MORGAN, C. J.—This is a case in which the contending parties are ryots having really no substantial rights to contest. It cannot be pretended that either party has any property in the channel. The form of the Judge's decree assumes that the plaintiffs have a right to take some action in the matter. It comes to this; that the relief he has given to the plaintiffs has no footing on which to stand; for the property in the channel is that of Government, and the plaintiffs come into Court without any rights in themselves. Whether they could proceed as against Government by right of user is very doubtful. Here the construction is peculiar. Government contemplate a natural embankment for the purpose of diverting the water. They did not contemplate that by raising this natural embankment, any charge would be entailed on them in the event of any natural action of the water affecting the artificial superstructure. What the law would be as to throwing this burden on the Government, it is not for us to say. This decree, which proceeds on some right in the parties themselves which they do not possess, cannot be maintained, and must, therefore, be reversed.

PER HOLLOWAY, J.—I agree. The question whether the right claimed as between the parties can be exercised at all is not the question to be considered. The question to be inquired into is, can any right, as against Government, be acquired by any mechanical action that has taken place? No right can be acquired by any contingency that has arisen out of a natural state of things. The right claimed cannot be maintained as against Government. This decree must be reversed, even if the above view is not correct. An injunction cannot be granted even after successive actions. Here the enjoyment set up was very shadowy; and even if any legal rights did exist, this decree ought to be reversed with costs.

The following was the written

Judgment:—28th January 1873.

This is manifestly not a case for an injunction. It is by no means, of course, that this should be granted even if there is an infraction of a legal right. Here the findings of the Civil Judge, fully borne out by the evidence, are that no damage has occurred, and that there is no reasonable ground to believe that any will occur.

On the hypothesis that a prescriptive right had been acquired, it could only be to the existence of the artificial structure with the natural rock and gravel in its natural condition. We may conjecture that the artificial structure was not extended, because it was believed that the rock and gravel would accomplish the same end; but this manifestly cannot affect the question.

It being clearly no case for an injunction, we reverse the decree of the Civil Judge. There will be no costs throughout.

HER MAJESTY'S PRIVY COUNCIL.

[BENGAL CASES.]

Purchase at auction sale—Claimant under merasi lease—No possession.

A purchased an estate at a sale in execution of decree, and was opposed by two merasi leaseholders who claimed under a former zemindar, and urged that all A had purchased was the zemindar's right subject to the leases. It was found that the leases had never been produced in any way from the time they were granted in 1806 until A sought to obtain possession in 1854.

HELD, that in order to prove the authenticity of the leases, it was necessary to show possession which the lease-holders did not prove.

Judgment of the Lords of the Judicial Committee of the Privy Council on the appeal of Bisheshur Buttacharjee and another v. George Henry Lamb and others, from the High Court of Judicature at Fort William in Bengal, delivered 7th November 1873.

Present.

SIR JAMES W. COLVILLE.
SIR BARNES PEACOCK.
SIR MONTAGUE E. SMITH.
SIR ROBERT P. COLLIER.

SIR LAWRENCE PEELE.

THIS is a suit brought as far back as the 1st of July 1853 to recover certain taluks or zemindaries from a person who claims under and stands in the position of a purchaser at a sale in execution of a decree against the zemindar. When the plaintiff took measures to get into possession of the estates which he had purchased, two leases, called merasi leases, were set up against him; and it was contended that, having purchased only the rights of the zemindar, he had purchased subject to those two leases, and that he was entitled only to the rents under them. The rents amounted to about Rupees 17 more than the Government revenue; so that the plaintiff, if the leases are upheld, instead of purchasing, as he expected, the zemindaries free from incumbrances, purchased the value of about Rupees 17 in excess of the Government revenue.

Their lordships will take one of those documents as an example. On the face of it, it appears to be very suspicious. Chunder Narain Ghose was the zemindar; he states in the puttah that having purchased the taluk, Gooroo Dass Roy, and having fixed the annual rent at Rupees 301, "you being my granddaughter—my son's daughter—and I having received 15 gold mohurs of the value of Rupees 20 each from you, which were received as joa— took at the ceremony of Unnoprashon, do grant the same taluk to you by merasi lease;" so that he is to be supposed by this document to have sold to his granddaughter for 15 gold mohurs, which she received at a certain religious ceremony, a merasi lease at the rent of Rupees 301, which was only 13 Rupees more than the Government revenue which he had to pay. That that is the value is admitted by the defendant in the answer. Indeed, it has not been disputed.

Now, the judges have found that this document had never seen the light from the time when it was granted on the 11th of Srabun 1213 (the year 1806), up to the time when the purchaser under the execution sought to get into possession of the zemindary in 1854; and that from 1806 to 1854 no public notice, no mention, had ever been made of this lease. When an execution is put in, notice is given of the execution, and any persons claiming rights in the property seized under it have a right to set them up. No claim of that sort was made in the present case. One of the defendants is the son of the granddaughter,

and claims to be entitled to his mother's right, but he never set it up when the execution was put in.

Now, in order to satisfy the Court that such a document as this was a valid document, intended to operate as a merasi tenure, it would be important to prove that possession had accompanied it. The document itself was not proved, because it was more than thirty years old, and there were no witnesses to prove it. It was, therefore, necessary, in order to establish its authenticity, to show that possession had accompanied it. In order to corroborate the lease, another document was put in which is called a bundobust, signed by the sons of the grandfather, who were the zemindars in 1817. Now this is an unusual document, and it does not appear for what reason it was executed. If the merasi tenure was a valid one, the granddaughter had the right to the lease, at a rent of Rupees 301, payable yearly. The bundobust is signed by the representatives of the zemindar, and by it they make the rent of Rupees 301 (which in the puttah was payable yearly) payable by six monthly instalments. What reason could there have been, if the granddaughter had got the tenure, at a rent of Rupees 301, payable yearly, for her agreeing to pay it by six monthly instalments, or for the zemindar's granting her this document making it payable by instalments? One can hardly see what the object of this could have been, except for the purpose of making it appear that the lease was treated by the representatives of the zemindar as a genuine document, and thus giving it the appearance of authenticity.

The question then turns upon the point as to whether possession was taken under the document. The Principal Sudr Ameen has found that there was no possession taken under it. He says that the few jumma vasil bakees, chittahs, caboolents, and evidence of ryots and low caste servants which had been adduced by the defendants were all unreliable, the documents being prepared, and the witnesses tutored.

The judges of the High Court agreed with the Principal Sudr Ameen as to the absence of possession. They said, "Nothing but the most complete and satisfactory evidence of good faith, coupled with reasons for the previous absence of all mention, could enable the defendants to get over so strong and significant a circumstance. Not once in half a century do these merasidars appear in Court, not once have they been sued for rent, not once have they found occasion to assert or to protect their tenure until it is brought forward as the last of a series of measures to prevent the taluks passing into the hands of the purchasers." Then they say, "In Chunder Kant's case there is a bundobust paper

"of the 25th Maugh 1224, which is said to be a confirmation of his meras, but neither the authenticity nor the occasion of this document is sufficiently made out." Here, then, are two concurrent findings of the lower Courts upon the question of fact, whether possession did accompany the documents; and both Courts have found distinctly that the possession was not in accordance with the documents; that the zemindars remained in possession from the time when those meras leases were alleged to have been granted, up to the time when the purchaser sought to obtain possession under the sale in execution. But then certain mouzah-waree papers were produced. The Principal Sudr Ameen made certain observations with regard to those papers. The Judges of the High Court, speaking of them, say, "They produce what are called quinquennial or mouzah-waree papers from the Collector's office of the Bengalee year 1217, in which the meras tenures are specified. And in the case of Jogul Kishore a register book is produced, in which these papers are referred to. But the appellants fail to show for what reason these mouzah-waree papers filed by the zemindar in the collectorate, should contain a specification of under-tenures with which the Collector had no concern; and as to the so-called register book, we are not informed under what regulation or rule of practice it was kept, nor have the defendants taken the evidence of the collectorate officers to throw light on the subject." Now it is contended that the judges were wrong in making these remarks; but the fact of the judges making a mistake, even if they did make a mistake with reference to the mouzah-waree papers, does not affect the other part of their finding, viz., that the leases had never been made public; that they had never seen the light, and that possession had never accompanied them. Even if they did make a mistake with regard to the mouzah-waree papers, it would not be a sufficient reason for their lordships reversing the finding upon the other question of fact. One of the judges who gave judgment, upon a motion for review of judgment, says, "The sole ground taken, and ably argued at the hearing by Mr. Plowden was, that the Court had come to an erroneous conclusion with respect to the mouzah-waree papers, which had been relied on to prove the existence of the taluks. I am now inclined to believe that the papers in question though not precisely in the form prescribed by the Regulation, were nevertheless prepared in accordance with the instructions of the Board of Revenue." Therefore he admits they were mistaken, but he says, "Even if this be fully conceded, the fact will not outweigh the other considerations which led us to disbelieve the real existence at the present time

"of the tenures in dispute. And with that feeling of disbelief upon our minds, produced by a review of the whole evidence, we certainly could not reverse the judgment of the Court below, simply because it had assigned reasons for its judgment which did not appear to be extremely cogent."

The Principal Sudr Ameen's judgment is also objected to. It is said that he has given certain reasons which are not borne out by the evidence, and it must be admitted that there are mistakes in the judgments both of the Principal Sudr Ameen and of the High Court, and that they are perhaps not so satisfactory as they might have been; but the question is, whether their lordships are satisfied that they have come to a wrong conclusion upon the evidence.

Now, so far from that being the case, their lordships are of opinion that if they had been reviewing the judgment of the Principal Sudr Ameen they would have arrived at the same conclusion as the High Court did, that the documents were not genuine documents intended to operate in the way in which they professed to operate.

Under those circumstances, their lordships are of opinion that the rule by which they are usually guided in not overturning the decision, on a point of fact, of the lower Court, when that decision has been affirmed by the High Court, must apply in the present instance.

They, therefore, will humbly advise Her Majesty that the decision of the High Court be affirmed, together with the costs of this appeal.

Adjacent properties—Branches of river—Lease.

A and B were neighbouring proprietors, their lands being divided by a stream. This stream however divided and flowed in two branches.

A contended that the intervening land belonged to him, and based his claim on a gantheedaree lease he held of Nazir Ally Khan.

HELD, that A could not be entitled to more than Nazir Ally Khan possessed at the time of the grant, and that he had failed to prove that the land between the branches belonged to Nazir Ally Khan.

Judgment of the Lords of the Judicial Committee of the Privy Council on the appeal of Lewis Tiery now Belchambers v. Kristodhnn Bose and others, from the High Court of Judicature at Fort William in Bengal, delivered 22nd November 1873.

Present.

SIR JAMES W. COLVILLE.
SIR BARNES PEACOCK.
SIR MONTAGUE E. SMITH.
SIR ROBERT P. COLLIER.

SIR LAWRENCE PEELE.

In this case the plaintiff was the possessor, under a gantheedaree lease, of a portion of land designated as lot 100 in the Soonderbuns. The defendant was the possessor, under a grant from the Government, of lot 104, the northern boundary of which was admitted to be identical with the southern boundary of lot 100. The parties have died since this suit was disposed of, and are now represented by others, but the case may be treated as if the original parties were the litigants. The plaintiff sought by a suit in the nature of an ejectment to dispossess the defendant from a large tract of land which the defendant had been in possession of for some years before the suit, and a portion of which he had reclaimed from the jungle.

The question was one of boundary, and that question may be shortly stated thus: It was agreed on both sides that the boundary between the two lots on the northern side of the one, and the southern side of the other, was a khal, called the Kankrea Khal; and it was further agreed that a watercourse flowing into or out of a stream, which was admitted to be the eastern boundary of both lots, was for some distance this same Kankrea Khal. But, at a point a mile or somewhat more from the eastern boundary, this Kankrea Khal divided itself into two branches, the one flowing to the westward with an inclination to the north, the other in a south-westerly direction; both these branches ultimately finding their way into a stream called the Kolooargung, which was admitted to be the western boundary of the two lots. The plaintiff sought to recover possession of the intermediate land between the northern and the southern branches, he contending that the southern branch was the Kankrea Khal, properly so called, the defendant contending that the northern branch was the Kankrea Khal, properly so called.

The land in dispute is stated by the plaintiff to be upwards of 8,000 beeghas, but it does not appear ever to have been accurately measured or surveyed. The plaintiff, on whom the burden of proving his title rested, was content to put in his gantheedaree lease, which was granted by Nazir Ally Khan. He attempted no proof of the title of Nazir Ally Khan, nor did he show on what terms, or by what description of boundaries or otherwise, this lot had been originally granted by the Government. Strictly speaking, he proved no title to

more than he showed Nazir Ally Khan to have been in possession of at the time of the lease to him. The question of possession therefore, in their lordships' opinion, becomes very material.

It appears to their lordships, upon a review of the evidence, that the defendant, Mr. Tiery, had been, before the date of the gauthedaree lease to the plaintiff, which was the 27th of December 1853, in possession of the disputed land; and further, that he had reclaimed or begun to reclaim some portions of that disputed land, those portions immediately south of the northern boundary which he contended for. It further appeared, that the plaintiff at the time when he took this gauthedaree lease was not only well aware of the possession and reclamations of the defendant, but that he was the defendant's servant, and was actually assisting in making these clearances, from which he now seeks to dispossess his former master. It further appeared that the plaintiff, before he took this gauthedaree lease at the end of 1853, had been in possession of some portions of lot 100, as what are called chucks, and that he was in possession of one chuck, called Chuck Bagchnr, which their lordships agree with the Zillah Judge must be taken upon his own showing to be the southernmost part of lot 100. It therefore becomes material to ascertain where this lot was situated, and their lordships have come to the conclusion, upon the evidence, that this lot was situated immediately northward of the line which the defendant claims as his boundary, a situation consistent with the case of the defendant, and that it was not situated immediately to the north of the south line contended for by the plaintiff, which it should have been if the case of the plaintiff is correct. The situation of his lot therefore appears to their lordships one material circumstance, at all events, in the determination of this case. In this case there have been three surveys, two by a Mr. Joseph and by a Mr. Smith, respectively, in the year 1856. They are not very intelligible, owing, as it appears to their lordships, to various misprints; and they may observe that this record has been printed in India with scandalous negligence; but it sufficiently appears in their lordships' opinion that both these gentlemen substantially reported in favour of the boundary contended for by the defendants. A subsequent survey in 1857 was made by Mr. Gomes, the Government surveyor, who, acting chiefly, as it appears, upon a map or a field book which had been prepared by a Captain Prinsep sometime before (it does not appear precisely when), came to the conclusion that the southern boundary contended for by the plaintiff was the boundary. It should be observed that Mr. Gomes went upon the land twice, and on each occasion he made a map. On the first occasion, in 1854, his attention was directed merely to

the amount of land cultivated and not to the question of boundary; and, oddly enough, his map of 1854 is put in by the plaintiff. On the second occasion, in 1857, he went for the purpose of ascertaining the boundary, and the map which he made on that occasion is not put in by the plaintiff. As far as would appear from all three reports, the northern channel was at the time of these surveys, and their lordships are disposed to infer at the time of the granting of the gauthedaree lease, navigable and open all the way, whereas the southern channel does not appear to have been open to boats throughout its whole course. It is, indeed, suggested on behalf of the plaintiff that at some former time the southern channel was the broader one, but of that he has given no proof. Both the grants, the grant to the plaintiff, in gauthedar tenure in 1853, and the grant to the defendant from the Government dated in 1854, refer to a certain map of Captain Hodges, (but it would appear very clearly to their lordships that although the date of the puttah was 1854, the defendant had been in actual possession for about a year and a half before that). The plaintiff did not put in that map in the Court below, but appears to have relied upon a map made by a Captain Smyth, which professes to be in great measure taken from the maps of Mr. Hodges, among others. Upon an inspection of that map, the Zillah Judge appears to have come to the conclusion that it favoured the contention of the defendant rather than that of the plaintiff; and the Zillah Judge, upon the whole evidence, came to the conclusion that the plaintiff had not sufficiently proved his case to entitle him to eject the defendant, and gave judgment for the defendant accordingly. Upon this an appeal was preferred to the High Court in Calcutta, whereupon this judgment was reversed.

It appears to their lordships that the High Court acted almost entirely upon the map of Captain Hodges, which was before the Court, although it had not been put in evidence in the Court below. That map has not been sent to England, and is not before their lordships. If the map of Captain Smyth is to be taken as an accurate copy of that map, their lordships do not agree with the High Court in supposing that that map is conclusive in favour of the defendant. But even assuming that the map on inspection would turn out wholly in favour of the defendant, it does not appear to their lordships that the reversal of the finding of the judge below solely or mainly upon this ground is satisfactory; for from the summary before given of the evidence, it appears to their lordships that there was a great deal of evidence in this case independently of that map far more in favour of the defendant than the plaintiff, and they are of opinion that upon all the circumstances and probabilities of the case the

judge of the Zillah Court was justified in coming to the conclusion that the case of the plaintiff had not been established.

Their lordships may observe that the expediency of insisting on more strict proof on the part of the plaintiffs in ejectment is illustrated by this very case, in which an application has been made on the part of another party to become a party to this appeal on the ground that he had a paramount and prior title to the plaintiff in this very lot 100, a contention for which there would appear to be some ground. Of course their lordships do not give any opinion upon this matter, and it is scarcely necessary to say that their judgment in this case can only affect the parties to it, and cannot give any other persons any rights or impose upon them any liabilities.

Entertaining this view of the case, their lordships are of opinion that the judgment of the High Court should be reversed, that the judgment of the Zillah Court should be affirmed, and they will humbly advise Her Majesty to this effect; and they are of opinion that the defendant should have the costs in the litigation below and of this appeal.

[BOMBAY CASE.]

Toda Giras Hak—Limitation—Moveable and immoveable.

A brought a suit against B to establish his right to a Toda Giras Hak on B's inam village, and to recover arrears on it for seven years. B admitted the existence of the hak, but contended that he had the power to put an end to it; and further that A's suit was barred.

The chief question raised, was whether a hak could be defined as an interest "in immoveable property," and, therefore, governed by Clause 12 of Act XIV of 1859.

HELD, that a Toda Giras Hak was an interest in immoveable property; that the word "immoveable" was used by the Legislature as something less technical than "real;" and that the term immoveable property comprehends certainly all that would be real property in English law and possibly something more.

Judgment of the Lords of the Judicial Committee of the Privy Council on the appeal of Maharana Futtehsangji Jaswantsangji v. Dessai Kullianraji Hekoomtraiji, from the High Court of Judicature at Bombay, delivered 4th December 1873.

Present.

SIR JAMES W. COLVILLE.
SIR BARNES PEACOCK.
SIR MONTAGUE SMITH.
SIR ROBERT P. COLLIER.

SIR LAWRENCE PEEL.

THE suit which has given rise to this appeal was brought by the appellant in January 1865, against the respondent, to establish the right of the former to a Toda Giras Hak upon the inam village of the latter, and to recover the arrears due in respect of that hak, for the seven years preceding the commencement of the suit. The annual amount alleged to be payable by the respondent to the appellant is 501 Rupees; though it may be questionable on the evidence whether this sum is the gross amount of the hak, or the net balance after deducting certain small payments and allowances to other persons which are entered in the accounts.

The respondent admitted, as his father in other proceedings had admitted, the existence of the hak, and that it had been paid by the inamdars of the village up to the Samvat year 1914 (corresponding with 1857-58); but contended that his father had then properly exercised a right to put an end to it; and, further, that the present suit was barred by the law of limitation.

The issues settled are at page 20 of the Record; but the only one which is to be considered on this appeal is, whether the claim is within the appropriate period of limitation or not. Of the remaining issues, one, which is no longer treated as material, was disposed of in the appellant's favour, and the others have not been tried.

The substantial question considered in the Court below was, whether the suit, being one for the recovery of an "interest in immoveable property," fell within the 12th, or was to be governed by the 16th, Clause of the 1st Section of Act XIV of 1859. In the former case, the period of limitation would be twelve years, and the suit would be brought in time; in the latter case, the period of limitation would be only six years, and the suit would be barred.

The determination of this question involves the consideration of the nature of a Toda Giras Hak. A good deal of learning on this subject is to be found in the case of *The Collector of Surat v. Pestonjee Rutonjee*, II, Morris's Cases in the Sudr Dewanny Udalut, of Bombay (for 1855), p. 291, and in the case of *Sumbhoollall Girdhurlall v. The Collector of Surat*, VIII, Moore's I. A., p. 1, to which their lordships have been referred. They do not think it necessary to go at any length into this. It is suffi-

cient to state that these annual payments, although originally exacted by the Grasia from the village communities in certain territories in the west of India by violence and wrong, and in the nature of black mail, had, when those territories fell under British rule, acquired by long usage a quasi-legal character as customary annual payments; that as such they were recognized by the British Government, which took upon itself the payment of such of them as were previously payable by villages paying revenue, and left the liability to pay such of them as were payable by inam villages to fall on the inamdar. And since the decision of the before-mentioned case in the 8th volume of Moore, it cannot be questioned that the Toda Giras Haks of the former class constitute a recognized species of property capable of alienation, and of seizure and sale under an execution. How far that decision may govern the rights of an inamdar, and some of the questions raised by the untried issues in this suit, their lordships abstain from considering. For the purpose of determining the question of limitation, it must be assumed that the claim of the appellant, if not barred, has a legal foundation.

The question to which period of limitation these claims are subject has been the subject of several decisions in the Bombay Courts.

The earliest of these, being the case of *The Collector of Surat v. Tejoobawa Bhugwansingji*, which is set out at page 67 of the Record, does not materially affect the present question. When that suit was commenced, Act XIV of 1859 had not come into operation; and under the law then in force (the Bombay Regulation V of 1827) the claim was subject only to the twelve years' rule of limitation, whether a Toda Giras Hak was in the nature of moveable, or of immoveable property. It is true that the High Court, in delivering its judgment, intimated an opinion that, whatever might have been the original nature of that Toda Giras payment, its conversion into an annual payment out of the Government Treasury, not secured or chargeable on any particular lands, had deprived it of the character of immoveable property, if it ever possessed that character. But it is obvious that this dictum has no application to a Toda Giras Hak payable by an inamdar, in respect of which there has been no such conversion. The case of *Furushram Nurbheram v. Syud Hossein Wullud* which is set out at pages 69 and 72 of the Record, is, however, in point. There the question arose between the purchaser of the Grasia's interest in a Toda Giras Hak at an execution sale, and an inamdar; and the law of limitation to be applied was Act XIV of 1859. The Judge of Broach there held (and his decision was affirmed on appeal by the High Court) that the claim was clearly for a money pay-

ment, and that the case must be decided by the 16th Clause of the 1st Section of the Statute.

The authority of this last case has been recognized, and its ruling adopted by each of the three judgments now under appeal.

The other decisions of the High Court of Bombay which have been cited, are all distinguishable from the present.

That of *The Collector of Surat v. The Heiresses of Kirvabai*, II, Bombay High Court Reports, page 239, seems to their lordships to have no bearing upon the question before them. The only questions raised in it were whether a Toda Giras Hak was alienable, and whether, by reason of its falling within the definition of "land" contained in a particular statute (which it did not), the Court was deprived of jurisdiction. In the case of *Baratsangji v. Navanidharaya*, I, Bombay High Court Reports, page 186, as in that set forth at page 67 of the Record, the law of limitation to be applied was the Bombay Regulation V of 1827; and what the Court actually decided was, that the right to the desaigiri allowance claimed would be barred, unless the plaintiff could establish the receipt of a payment on account of it within twelve years. The Court, no doubt, described the allowance claimed as "in the nature of one charged upon, or payable out of land." But whether it were so or not was not a point in issue. Again, in *Raiji Manor's case*, reported in VI, Bombay High Court Reports, page 56, the Court, in ruling that the claim was barred by the six years' limitation, distinguished it from the last-mentioned case on the ground that it was a claim for a pagdi allowance, which was a mere money payment out of a desaigiri allowance, and not like the latter in any sense an interest in land. The same distinction may exist between a pagdi allowance and a Toda Giras Hak.

The case of *Krishnabhat Hiraganji*, reported in VI, Bombay High Court Reports, page 137, and that of *Purshotam Sidheshwar*, reported in IX, Bombay High Court Reports, page 99, both relate to hereditary offices and not to haks, and cannot, therefore, be regarded as directly in point, although the principles which they lay down for the construction of Act XIV of 1859 are important, and will have to be considered hereafter. It is, however, to be remarked that, in the latter case, Chief Justice Westropp, at the close of his able and elaborate judgment, expressed a strong doubt of the soundness of the decisions which had ruled that claims for Toda Giras Haks were subject to the six years' rule of limitation. This being the state of the authorities at Bombay, their lordships cannot think that there has been that long and consistent course of decisions which affords grounds for treating the question under

consideration as concluded by authority, even in the Courts of India.

It has, however, been strongly urged on the part of the respondent that this appeal is to be determined by the authority of their lordships' recent decision in the case of *Desai Kullianrai Hakoomutrai* (the present respondent) and *The Government of Bombay*, XIV, Moore's I. A., p. 551. Their lordships cannot accede to this argument.

In the case so relied upon the question of limitation did not arise. It is, however, true that, in deciding it, the High Court of Bombay had held that the respondent had acquired a title, by positive prescription, to the hak which he claimed by force of the 1st Section of the Bombay Regulation V of 1827; and that their lordships, though they upheld the decree in favour of the respondent on other grounds, intimated that they were not satisfied either that the particular hak could properly be said to be "immoveable property" within the meaning of the Regulation, or that there had been such an enjoyment of it for thirty years without interruption, as would bring the right, if in the nature of immoveable property, within the operation of the Regulation. This was the expression of a doubt rather than a positive decision. Moreover, the hak then claimed differed widely from that which is the subject of the present suit. It was a money allowance for the sustentation of a palanquin, which had been granted by the then Native Power to an ancestor of the respondent, not as a necessary incident to the office of Desai, but as a reward for meritorious service, and was made payable by the native collector out of the general revenues of the Pergunnah of Broach received by him. As such it resembled the annuity granted by King Charles the Second out of the Barbadoes duties, which in the case of *The Earl of Stafford v. Buckley*, 2 Ves. Senr. p. 170, Lord Hardwicke held to be "a mere personal annuity, having no relation to lands and tenements, or partaking of the nature of a rent by any means." But however that may be, their lordships cannot treat the decision in the palki case as an authority on the present question, which they will now proceed to consider upon its merits.

The learned counsel for the appellants have argued, on the authority of the above-mentioned cases of *Krishnabhat Hiranjanji* and *Purshotam Sidheshwar*, and particularly of the latter, that the construction of the Statute of Limitation must, in this particular case, be determined by the light of the Hindoo law.

According to the report of the latter case in IX, Bombay High Court Reports, the respondents had sued to recover from the appellants the amount of fees due to the holder of the hereditary office of village Joshi (or astrologer) for five

years. This statement, their lordships conceive, must be taken to import that the right to hold the office was matter of contest between the parties; since it can hardly have been held that, because the hereditary office was in contemplation of the Hindoo law, of the nature of immoveable property, fees recoverable by the admitted holder of the office from persons whose horoscope he might have cast, fell within the same category. The case was referred to a Full Bench, partly in consequence of some difference of opinion between the two Judges who composed the Division Bench, and partly on account of a supposed inconsistency between the two decisions already cited from the 6th volume of the Bombay High Court Reports, which, nevertheless, seem to their lordships capable of standing together. The judgment of the Full Bench was given by Chief Justice Westropp. It fully upheld the decision in *Krishnabhat v. Kapabhat*, and affirmed the correctness of the rule there laid down for the interpretation of Act XIV of 1859, Section 1, Clause 12. The rule is shortly this, viz., that, inasmuch as the term "immoveable property" is not defined by the Act, it must, when the question concerns the rights of Hindoos, be taken to include whatever the Hindoo law classes as immoveable, although not such in the ordinary acceptance of the word. To the application of this rule within proper limits, their lordships see no objection. The question must, in every case, be whether the subject of the suit is in the nature of immoveable property, or of an interest in immoveable property; and if its nature and quality can be only determined by Hindoo law and usage, the Hindoo law may properly be invoked for that purpose. Thus, in the two cases on which the appellant relies, Hindoo texts were legitimately used to show that, in the contemplation of Hindoo law, hereditary offices in a Hindoo community, incapable of being held by any person not a Hindoo, were in the nature of immoveables. And those decisions receive additional support from the 1st Section of the Bombay Regulation V of 1827, which expressly declares hereditary offices to be immoveables, an enactment which, inasmuch as it relates only to the acquisition of a title by positive prescription, seems to be unaffected by Act XIV of 1859, and to stand unrepealed in the Presidency of Bombay.

The learned counsel for the appellant have, however, insisted on the authority of these decisions that a Toda Giras Hak must be held to be an interest in immoveable property, because, according to Hindoo law it would be "Nibandha." Their lordships, in dealing with this argument, prefer to use the Sanscrit word, inasmuch as they do not think that "corrody" is a very happy translation of it; "corrody" being a word of medieval origin, properly sig-

nifying a peculiar right, viz., the grant by the royal or other founder of an abbey of certain allowances out of the revenues of the abbey in favour of a dependent or servant. (See *Ducange, in verbo: Fitzherbert De naturâ Brevium*, p. 229, writ *de corrodio habendo*).

Whether a Toda Giras Hak be "Nibandha" within the strict sense of that term, is, in their lordships' opinion, a question not free from doubt. The original text of *Yajnyawalkya*, which is the foundation of all the other authorities cited by Chief Justice Westropp, implies that the subject rendered by the word *corrody* in II, *Colebrooke's Digest*, *Placitum xxxiv*, is something created by Royal grant. This, too, is included in Professor Wilson's definition of "Nibandha." That the word in the subsequent glosses on *Yajnyawalkya's* text is used in a wider sense may be due to the want of precision, for which Hindoo commentators are remarkable. It is, however, unnecessary to consider this point, because their lordships are of opinion that the question whether a Toda Giras Hak is an interest in immoveable property within the meaning of Act XIV of 1859 is one which ought not to be determined by Hindoo law. It appears from the authorities cited in the case (reported in the 2nd volume of *Morris's Reports*) that the *Grasias* were sometimes Mahomedans, and therefore that the hak may, in its inception, have been held by a Mahomedan. It is certain that, as these haks now exist, they may pass to, and be held and enjoyed by Mahomedans, Parsees, or Christians; and their lordships think that the applicability of particular sections of this general Statute of Limitation must be determined by the nature of the thing sued for, and not by the status, race, character, or religion of the parties to the suit. The period of limitation within which the claim is barred must be fixed and uniform by whomsoever that claim is preferred or resisted.

The determination, therefore, of the present question depends, in their lordships' opinion, upon the general construction to be given to the terms "immoveable property" and "interest in immoveable property" as used by the Indian Legislature. Their lordships cannot think that the former term is identical with "lands or houses." They conceive that the word "immoveable" was used as something less technical than "real," and that the term "immoveable property" comprehends certainly all that would be real property according to English law, and possibly more. In some foreign systems of law in which the technical division of property is into moveables and immoveables, as, *e.g.*, the Civil Code of France, many things which the law of England would class as "incorporeal hereditaments" fall within the latter category.

Now, what is disclosed on the Record touching the nature of this hak?

The plaint claims it as "leviable upon the village Mouzah Kalam." The fair inference from the written statements of the respondent is, that the hak existed and was regularly paid by his father, as *inamdar*, up to the year 1857-58. The question raised by these statements as to the right of the respondent and his father to discontinue the payments is one to be determined, not upon the issue of limitation, but on the trial of the other issues settled in the cause. The evidence taken in the suit shows that the answer of *Hukomutrai* (the respondent's father) to a question addressed to him in 1856 by a native official, to the effect, whether there was any Toda Giras paid for the Maharana of Amud on account of the village of Kalam was, "There are payable Broach" 501 Rupees for the Toda of the said Rana; that the same *Hukomutrai* described the money paid by him on account of this hak, in his deposition of the 6th of November 1861, as "the money on account of Toda Giras leviable upon my *inam* village of Kalam," and, in his deposition of the 4th of April 1862, as "the annual amount of Toda Giras of my village of Mouzah Kalam;" and further, that the payments made were made out of the revenues of the village, and were so entered in the village accounts.

Taking this as the fair result of the evidence, and considering what has been ruled touching Toda Giras Haks in the case in the 8th Moore's Indian Appeals, and other decided cases, their lordships are of opinion that, whatever may have been the origin of the hak, it must be assumed to be now a right to receive an annual payment which has a legal foundation, and of which the enjoyment is hereditary; and that the liability to make the payment is not personal to the respondent, but one which attaches to the *inamdar* into whose hands the village may pass; or, in other words, that the hak is payable by the *inamdar vertute tenure*. This being so their lordships have come to the conclusion that the interest of the Hak-dar does possess the qualities both of immoveability, and of indefinite duration in a degree which, if the question depended on English law, would entitle it to the character of a freehold interest in or issuing out of real property (see I, *Cruise's Digest*, p. 47, *Plac. 10*); that upon the general principles of construction applicable to an Indian Statute it must be held to be "an interest in immoveable property" within the meaning of Act XIV of 1859; and, accordingly, that the suit having been brought within twelve years after the date of the last payment, can be maintained.

This being their lordships' conclusion on the first and principal question argued, it is un-

necessary for them to consider the second, viz.:—Whether, upon the principles enunciated and enforced in such cases as *The Dean and Chapter of Ely v. Cash*, 15, M. and W.; *Grant v. Ellis*, 9, M. and W.; and *Owen v. De Beauvoir*, 16, M. and W., and 5 Exch., it ought to be held that, inasmuch as Act XIV of 1859 contains no express words to bar the right as well as the remedy, that Statute cannot have any effect on the appellant's claim, except that of preventing him from recovering more than the arrears for the six years next preceding the institution of the suit. Their lordships abstain from the consideration of this question the more willingly because it was never raised in the Courts below; because the pleadings in the suit, which is brought to establish the right as well as to recover the arrears, assumes that the whole claim is subject to the law of limitation; because there seems to be a considerable body of Indian authorities which support that assumption; and because the limitation applicable to claims to establish rights will, at no distant date, have to be determined by the more carefully-drawn Statute of Limitation of 1871, which is soon to supersede that of 1859.

On this appeal their lordships will humbly advise Her Majesty to reverse the decrees under appeal; to declare that the appellant's suit is not barred by the Statute of Limitations, but was brought within time; and to remand the cause for trial on its merits. Their lordships think that the appellant ought to have the costs of this appeal. The costs incurred in India by reason of the trial of the second issue should be dealt with by the Bombay High Court in the usual way on the final determination of the cause; the appellant receiving back the costs (if any) which he may have paid under any of the decrees reversed.

CIRCULAR ORDERS OF THE BOARD OF REVENUE.

No. XXII.

STANDING No. 275-2.

ALTERATIONS IN FORMS OF REGISTERING HOLDINGS.

Proceedings of the Board of Revenue, dated 2nd December 1873, No. 2,449.

THE following alterations should be made in G.O., 14th October 1873, No. 1,104. Forms 7 and 8 of Standing Circular No. 275:—

Form 7, Clause 1.—Omit the words “all the rights of the present registered landholder in.” After the word “by” in line three insert the words “the present registered landholder.”

Form No. 8.—In line 4 omit the words “all the rights of the former landholder in.” Omit also the words “and it is further declared that the said ——— has succeeded to all rights and property of the former landholder in the said lands.”

No. XXIII.

STANDING No. 132-4.

QUARRIES ON GOVERNMENT LANDS.

Proceedings of the Board of Revenue, dated 10th December 1873, No. 2,519.

THE quarrying of ordinary building stone from Government lands G. O., dated 17th October 1873, No. 1,125. without the written permission of the Collector is prohibited. Inlicenses granted for the above purpose the right of Government to levy seigniorage after one month's notice must be distinctly reserved and acknowledged. The Collector will be at liberty to propose to the Government, through the Board of Revenue, the levy of a royalty in any case of real importance. Any right of taking stone for their own private use, hitherto exercised by villagers, should be continued to them without restriction in objectionable localities.

No. I.

STANDING No. 390-3.

RETURNS TO BE SUBMITTED BY DEPUTY COLLECTORS IN CHARGE OF SALT.

Proceedings of the Board of Revenue, dated 13th January 1874, No. 48.

DEPUTY COLLECTORS in charge of salt shall submit to the Collector weekly brief diaries recounting their proceedings in the administration of the Salt Department, and shall also forward to the Collector copies of all orders of the following kinds, simultaneously with the issue of the orders:—

- (1.) For commencing or closing manufacture.
- (2.) Regarding transfers of pans.
- (3.) Temporary arrangements made for the cultivation of pans left waste by the holders.
- (4.) Regarding transfers of, or leave to, officers above the grade of peon.
- (5.) Regarding experiments for the production of good salt, or the mode of manufacture.
- (6.) Authorizing the rejection and destruction of manufactured salt.
- (7.) Orders of an unusual nature, and not falling within the category of routine proceedings.

2. The prior sanction of the Collector must always be obtained for the assignment of new pans, or old pans to new holders.

3. All salt factories must be visited at least once a year by Collectors, Sub-Collectors, or Assistants during the manufacturing season.

No. II.

STANDING No. 230-2.

REFUND OF STAMPS—COLLECTORS ALONE COMPETENT TO REFUND.

*Proceedings of the Board of Revenue, dated
14th January 1874, No. 55.*

So much of the Board's Standing Order, No. 230 (paragraph 32), as refers to the destruction of damaged stamps by the Collector is modified as follows:—

* Whenever the Collector sanctions a refund or renewal of stamps

* Circular of Govt. of India, Financial Dept., No. 3,767, dated 23rd Oct. 1873, and G. O., dated 5th Nov. 1873, No. 1,238.

in lieu of spoiled ones he shall then and there record his reasons for such sanction, and shall punch or mark the stamp in such a manner as to prevent its being again presented.

2. The stamp shall then be forwarded for destruction to the Superintendent of Stamps. The same course will be followed in the case of stamps damaged in store. Collectors will take measures to prevent stamp refunds being sanctioned by any officers but themselves in person, they alone being legally competent to give such sanction.

No. III.

STANDING No. 366-2.

PUBLIC AUCTION OF GOVERNMENT STATIONERY PROHIBITED.

*Proceedings of the Board of Revenue, dated
17th January 1874, No. 75.*

THE sale, by public auction, of Stationery supplied to the various Government offices is prohibited. Damaged stationery should be returned to store when the quantity is at all large.

No. IV.

STANDING No. 391-7.

LISTS OF PERSONS THROWN OUT OF EMPLOY.

*Proceedings of the Board of Revenue, dated
22nd January 1874, No. 106.*

G. O., dated 12th December 1873, No. 1,410, communicated in Board's Proceedings, dated 17th Jan. 1874, Miscellaneous No. 310.

A LIST of public servants thrown out of employment through no fault of their own will henceforward be published in the Gazette.

2. In filling up such vacancies as may occur in their offices, Collectors will appoint from this list, so far as may be consistent with the qualifications of those whose names appear therein and the claims of those already employed.

No. V.

STANDING No. 375-1.

CANCELLATION OF S. O. 375.

*Proceedings of the Board of Revenue, dated
24th January 1874, No. 119.*

STANDING Order No. 375 is cancelled with reference to Section 16 of Act No. X of 1873.

OFFICIAL PAPERS.

THERAPEUTIC ACTION OF CALCIC QUINOVINATE MANUFACTURED BY MR. BROUGHTON.

*Proceedings of the Madras Government, Revenue
Department, 2nd December 1873.*

Read the following letter from Deputy Surgeon-General J. L. RANKING, Officiating Surgeon-General, Indian Medical Department, to D. F. CARMICHAEL, Esq., Secretary to Government, Revenue Department, Fort St. George, dated 16th September 1873, No. 351:—

In submitting this report on the therapeutic action of Calci quinovinate in the treatment of fevers, dysentery, and diarrhoea, I have the honour to express regret at the delay in its transmission.

2. The subjoined tabular statement shows that the drug was used in one hundred and forty-four cases. Its exhibition was successful

in seventy, doubtful in seven and unsuccessful in sixty-seven.

Tabular Statement of the Results of the therapeutic action of the Calcic Quinovinate, manufactured by J. Broughton, Esq., (from 31st January 1870 to 10th February 1873).

Diseases.	Num-ber of Cases.	Average Quantity of the Drug administered in each Case.	RESULTS.		
			Successful.	Unsuccess-ful.	Doubtful.
Intermittent fever	79	Oz. 0	44	34	1
Simple continued fever	1	124 $\frac{2}{3}$			1
Febricula	8	48	5	3	...
Dysentery	35	98	12	22	1
" Chronic.	2	69 $\frac{1}{2}$	2		...
Diarrhoea	19	91 $\frac{1}{2}$	7	8	4
		49 $\frac{3}{4}$			

3. In less than half of the cases, therefore, can the Calcic Quinovinate be credited with any remedial power, while in almost the same number it failed to bring about recovery.

4. Quinine, as a febrifuge and antiperiodic in intermittent and remittent fevers, and Ipecacuanha in dysentery have been by long experience proved to be medicines of much greater potency. The success of the Calcic Quinovinate cannot compare with that of their administration in the diseases in question.

5. As it is clearly a physician's duty to restore his patient to health as speedily as possible, he is bound to use those means that are best calculated to bring about this result. Acting on this principle, he must prefer resorting in the first instance to the employment of medicaments of proved efficacy, like Quinine and Ipecacuanha, to using one, like Calcic Quinovinate, which is as likely to fail as to succeed.

6. Still, the experiments which have been made show the drug in question to have some therapeutic action in those diseases for the treatment of which it has been recommended. And it is quite possible that Calcic Quinovinate may, in certain cases, prove a successful remedy, when Quinine in fevers and Ipecacuanha in dysentery may have failed. As a second resort it may be beneficial; as a first resort it is not justifiable.

7. In conclusion, I beg to forward, as an Appendix, extracts from the reports of the several medical officers who were called upon to try the Calcic Quinovinate.

ENCLOSURE NO. 1.

Appendix.

Extract from the Report of Surgeon-Major O. J. Rogers.

Native Infirmary, Madras.—"In the six cases of diarrhoea and dysentery treated, only two recovered.

"In fever the treatment appeared more successful: two recovered out of three treated."

Extract from the Report of Surgeon W. N. Chipperfield.

General Hospital, Madras.—"The results at which I have arrived are that the remedy may be found useful in cases of every chronic dysentery; that it is a slowly acting remedy, and requires to be long continued before its effects become manifested; that in the two instances in which I have found it beneficial, I had to combine opium with it; that as an astringent for ordinary diarrhoea it is useless; that I have not observed any febrifuge properties in the preparation; and that one great objection to its use is its being required to be given so frequently as every hour or two, and both day and night."

Extract from the Report of Surgeon-Major L. W. Stewart.

Secunderabad.—"To summarize and draw conclusions from these cases, I am of opinion that the Calcic Quinovinate is not at all equal as an antiperiodic to Quinine, but it would appear to possess only tonic properties, similar to most other vegetable bitters, e.g., Chiretta, Calumba, &c.

"In cases of febricula, I consider the medicine might be employed with advantage, but not as an antiperiodic in the intermittent type of fever, or in acute dysentery. As far as my time has admitted after a careful consideration in the treatment of these and former cases of both ague and dysentery, with this medicine, I beg now respectfully to record the above as my opinion on the virtues of the Calcic Quinovinate."

Extract from Report of Surgeon L. O. Nanney.

Secunderabad.—"The result of my experiments was not sufficiently encouraging to induce me to risk the employment of it in a severe case, nor could I conscientiously attempt its use in dysentery, or peril life by the use of a drug which so insufficiently fulfilled the claims that had been advanced for it when I had reliable remedies at hand.

"From my brief experience of the Calcic Quinovinate, I doubt the possibility of its substitution for Ipecacuanha. With regard to its use as a substitute for Quinine, I do not think more efficacy can be claimed for it than that of a tonic of the mildest description, in which form the tediousness of its preparation would preclude its being largely employed.

"In three cases out of six now recorded the fever was checked by the treatment adopted; these were of so mild a type that probably rest with a simple aperient might have proved sufficient to produce the same effect.

"In the second case, the fever appeared to be merely temporary, as the fever returned after an interval of four days, when I thought it inexpedient to persevere with the experiment.

"In the three remaining cases, it appeared to exert no effect, and, after continuing its use for seven days without any favourable result, other treatment had to be adopted to which the fever yielded in a single day in each case.

"From these remarks, it will be seen that my experience of the Calcic Quinovinate in the mild cases, on which I thought it prudent first to ascertain its qualities, was not such as to warrant my employing it in any severe cases, especially in dysentery, in which the experiment might prove to be at the expense of life to the sufferer."

*Extract from Report from Surgeon
C. A. Andrews.*

Mercara.—"The conclusion at which I have arrived is that the drug has some curative power in certain cases of dysentery, but it is far less certain in its action than Ipecacuanha; it is, however, free from the nauseous properties of the latter drug, and in some cases even will effect a cure when the latter fails.

"I have had so few opportunities of experimenting with the drug in genuine, uncomplicated cases of dysentery, that I hesitate to give a more decided opinion about its action, but, although it is not likely to supersede Ipecacuanha, it will, I think, become a valuable aid in the treatment of this disease."

*Extract from Report of Surgeon
J. Houston, M.D.*

Mysore.—"The medicine, in the form of solution, has been exhibited to seventeen

patients, suffering from dysentery or diarrhoea; of these ten were treated at the Civil hospital and seven in the Mysore Jail. It has not proved successful in my hands, except in one instance, when it was administered to a prisoner for seven days. Patients suffering from dysentery and diarrhoea at the Civil hospital are often on admission in a very reduced state, and if the treatment adopted is not quickly effective, it cannot be persevered with, but must give way to such other measures as the nature of the case may seem to demand. I therefore usually did not consider it advisable to continue the use of the Quinovinate beyond a day or two, and at the Jail, where the cases of dysentery were second or third attacks, I thought it safest to have recourse at once to more established remedies.

"Though my experience of the Quinovinate has hitherto been discouraging, it appears to me probable that it may prove serviceable in bowel complaints, when complicated with splenic enlargement."

*Extract from Report of Surgeon
D. W. Trimmell.*

Raipur.—"The number of days each case was under treatment was five and half days; in twenty-one cases no result was obtained, and the medicine had to be discontinued; each case under treatment was five and half days.

"In seven cases, irritation of the stomach and bowels occurred. The quantity taken by each case cured was ninety-seven and half grains; of those not cured, one hundred and two grains.

"In one case a protracted trial of eighteen days was made, but without results.

"I am of opinion that the drug is less efficacious than Quinine."

(True Extracts.)

(Signed) J. L. RANKING,

*Deputy Surgeon-General,
Officiating Surgeon-General,
Indian Medical Department.*

Order thereon, 2nd December 1873, No. 1,334.

Communicated to the Government Quinologist and to the Commissioner, Neilgherry Hills.

2. The Governor in Council concurs with the Surgeon-General, Indian Medical Department, in considering that further experiments with the Calcic Quinovinate need not be undertaken. The present result will be submitted for the information of His Grace the Secretary of State.

(True Extract.)

(Signed) D. F. CARMICHAEL,

Secretary to Government.

CACAO SEEDLINGS FOR THE NEILGHERRIES.

Proceedings of the Madras Government, Revenue Department, 9th December 1873.

Read the following endorsement of the Under-Secretary to the Government of India, Department of Agriculture, Revenue, and Commerce, dated 8th November 1873, No. 500:—

Read the following letter from C. J. LYALL, Esq., Under-Secretary to the Government of India, Department of Agriculture, Revenue, and Commerce, (Agriculture and Horticulture), to the Superintendent of the Royal Botanical Gardens, Calcutta, dated Simla, 8th November 1873, No. 499.

I AM directed to inform you that four warden cases of Cacao seedlings have been despatched by Dr. G. Bernoulli of Mazatenango (Guatemala), through Her Britannic Majesty's Consul at San Francisco, per British Steamer *Lord of the Isles*. These cases, when received, will be sent to you in the first instance, and I am to request that you will be good enough to examine them carefully and report on the condition in which they arrive. A copy of Dr. Bernoulli's letter, which is enclosed, will give you the necessary directions for their treatment.

2. Of the four cases (should they arrive in good order) one should be sent to Burmah, one to General Stewart for the Nicobars, a third to the Government of Madras, and as regards the fourth you will be good enough to place yourself in communication with the Government of Bengal.

Copy, with copy of Dr. Bernoulli's letter, forwarded to the Government of Madras.

(By Order.)

(Signed) C. J. LYALL,

Under-Secy. to the Govt. of India.

ENCLOSURE No. 1.

From Dr. G. BERNOULLI, to ALLAN O. HUME, Esq., C.B., Secretary to the Government of India, Calcutta, dated 17th February 1873.

By the steamer leaving the port of Champerico on the 20th instant, I send to H. B. M.'s Consul at San Francisco, California, four warden cases containing each about 50 seedlings of Cacao, part of *Theobroma Cacao*, and part of the pentagonum. I suppose the Consul will have occasion to forward them to you without delay and in good condition. I have procured some special recommendations for the Captains

of the steamers between here and S. Francisco, and made out short instructions about the treating of the plants.

2. On arriving there, the seedlings ought to be transplanted as soon as possible to their definitive station at a distance of about 15—18 feet from each other. The climate must be hot and humid. Here the middle temperature is about 23—24° C. (extremes 16—30° C.) It rains six months of the year almost every afternoon with occasional showers in the dry season; the more it rains during the dry time, the better crop is expected. The trees must have a deep vegetable soil, and be planted in the shade of high growing forest trees, so as to have free ventilation below. The soil, of course, must be kept clean of weeds, principally the first and second year. Some cultivators cut the lower branches of the Cacao tree, and I think that it is profitable to do so, as the trunk grows stronger and the fruits of the trunk are larger than those of the branches.

3. The plants bear fruit after 4—5 years, flowering during the whole year, the principal crops being in January, May, and September, but I have to state that the annual product is very variable.

4. I hope the cases will arrive there in a good condition.

Order thereon, 9th December 1873, No. 1,383.

The case of Cacao seedlings intended for this Government will, on arrival, be sent to the Commissioner of the Neilgherries for the Burliar Gardens.

2. Meanwhile, the foregoing paper and its enclosure will be communicated to the same officer, with request that he will report whether the gardens already possess Cacao plants of both the species referred to in Dr. Bernoulli's letter, and if so, how many of each.

..(True Extract.)

(Signed) D. F. CARMICHAEL,

Secretary to Government.

CONTRIBUTION OF GRAIN BY THE RANI OF BOBILLY TO FAMINE SUFFERERS IN BENGAL.

Proceedings of the Madras Government, Revenue Department, 6th December 1873.

Read the following letter from J. R. DANIEL, Esq., Acting Collector of Vizagapatam, to D. F. CARMICHAEL, Esq., Secretary to Government, Revenue Department, Fort St. George, dated Vizianagram, 26th November 1873, No. 1,818:—

THE Rani of Bobilly has addressed me a letter in which she expresses her intention of

placing, at the disposal of Government, for gratuitous distribution in the famine-stricken districts of Bengal, 40,000 maunds of paddy, I have, therefore, the honour to solicit the orders of Government in regard to this munificent offer on the part of the Rani. Should Government be pleased to accept it, the Rani wishes me to state that the paddy can be ready any time after the 15th February 1874, and can then be taken for shipment at either the port of Bimlipatam or Calingapatam.

Order thereon, 6th December 1873, No. 1,363.

The Governor in Council accepts with cordial thanks the very liberal and benevolent offer which has been made by the Rani of Bobilly. The Collector will arrange for the conveyance of the paddy to port and shipment to Calcutta at Government expense as soon as may be. The Bills of Lading should be forwarded to the Master Attendant, Calcutta, to whom a telegram should be sent as the shipments are completed.

2. Copy of these Proceedings will be furnished to the Government of India.

(True Extract.)

(Signed) D. F. CARMICHAEL,

Secretary to Government.

HINTS FOR THE FORMATION OF SEED DEPOTS.

Proceedings of the Madras Government, Revenue Department, 17th December 1873.

Read the following letter from W. R. ROBERTSON, Esq., M.R.A.C., Superintendent of Government Farms, to D. F. CARMICHAEL, Esq., Secretary to Government, Revenue Department, Fort St. George, dated Sydapet, 3rd December 1873, No. 902:—

UNDER the sanction given in G. O., No. 1,033, dated the 24th of September 1873, authorizing me to furnish certain information required by the Government of Bengal, I have the honour to submit the following observations for the consideration of His Honour the Lieutenant-Governor.

2. I have been desired to suggest the steps to be taken for the formation of a central dépôt for the supply of seeds, grafts, &c., to the public farms and gardens in the various provinces of Bengal.

3. I am in doubt regarding the sense in which "central" is used, whether in a geographical sense, or as simply indicating the head-quarters or centre of action; but I shall assume that it is in the latter, and that it is intended to establish the central dépôt somewhere near Calcutta, the centre from which, in

Bengal, all Government action emanates. I shall, also, take it for granted that the dépôt is not to be merely a place of temporary deposit for seeds, grafts, &c., but that it will, in addition, afford facilities for preserving, acclimatizing, and multiplying the seeds, roots, cuttings, &c., of useful plants received from abroad.

4. To establish such an undertaking on a sound footing, it will be necessary to secure a block of suitable land, and to erect upon it the buildings needed; these buildings may be a granary in which seeds may be received, cleaned, stored, and again packed for despatch, a propagating and seed-testing house, and one or two sheds.

5. The area of land to be taken up need not at commencement be large, probably 20 acres would be quite sufficient. The soils should be as varied as it is possible to meet with on such a small area of land. The whole should be capable of being thoroughly drained, and ample irrigation means should be provided.

6. The buildings at first need not be extensive, but they should be so erected that at any time they can readily be extended in harmony with the original design in view to the economy of labour. The granary may consist of four rooms; a receiving-room, a sorting and cleaning-room, a packing-room, and a seed-room. The three rooms first mentioned need not be large; but it is of the utmost importance that the seed-room should have ample accommodation to admit of the seed being stored in thin layers over a large surface of floor, and to allow of it being readily turned and inspected. This room should contain no fixtures of any sort, and its walls should be plastered, in order that there should be no shelter for insects, &c. The ventilation of this room should be under complete control. The whole erection should be well and substantially built to guard against weevils, white-ants, rats, squirrels, &c., which, in a badly erected granary, are exceedingly destructive to the seeds stored. It is advisable that asphalted floors and iron roofs should be adopted. The propagating and seed-testing house may be an ordinary glass-house, in which the temperature can be regulated. The sheds may be simple erections, such as are found to be necessary.

7. Dépôts should be started in a few selected districts to be worked as branches of the central dépôt; indeed, without these branches the central dépôt would be of little use beyond its own immediate neighbourhood. These dépôts need not be more than mere local agencies for procuring and distributing seeds, plants, &c., &c.

8. The whole undertaking should, I think, be placed under the management of a practical seedsman, who also possesses some knowledge

of the management of tree nurseries. There would not, I imagine, be any difficulty in securing the services of a competent man from the establishments of Messrs. Lawson and Sons of Edinburgh or of Messrs. Sutton and Co., of Reading, Berkshire, or, at any rate, through the agency of either of these firms.

9. The duties of the officer at the head of the Seed Department would be chiefly those of an ordinary seedsman; he should be the agency through which the wants of the different districts would be met; he should keep himself informed of the seed-producing capabilities of the different parts of Bengal, and should be able, at any time, to procure seeds from the best districts for use in localities in which, though the soils are good, the seed is inferior; and he should be well acquainted with the vegetable productions of tropical and semi-tropical countries, in order that he may, at all times, be able to procure such seeds, plants, &c., as may be required, and be able to advise as to the suitability of any newly-introduced crops or trees to the circumstances of any given locality in Bengal.

10. I am not aware whether there is any intention of organizing a system of farms over Bengal; but if there is, the central seed-depôt might be connected with the central farm, and the branch depôts with the district farms. If connected with such an agency, the action of the farms would become more satisfactory, as the seed of a superior kind produced on them would thus meet with a ready demand, and be more widely diffused over the country.

11. In conclusion, I would observe that the mere introduction of good seed into India, and the distribution of it over the country, will do little for the permanent benefit of Indian agriculture, unless accompanied by some general effort to improve the agricultural practice. It seems to me that before attempting to introduce largely improved varieties of trees and seeds from other countries, that we should endeavour first to bring about something like an equilibrium in the *quality* of our field productions. There is nothing which illustrates more forcibly the apathy and want of enterprise amongst our cultivators than the fact that in one district they are content to produce an inferior variety of tree or crop, while their neighbours, perhaps not a day's journey distant, in exactly similar circumstances, are producing trees and crops of greatly superior varieties. In work such as this, there is much to be done, and under present circumstances with far greater prospect of permanent good to the country than can possibly result from even a large expenditure of money in importing and spreading over the country valuable trees and seeds obtained from abroad.

ENCLOSURE. No. 1.

From R. KNIGHT, Esq., Assistant Secretary to the Government of Bengal, Agricultural Department, to W. R. ROBERTSON, Esq., Superintendent of Agricultural Experiments, Madras, dated Calcutta, 18th August 1873, No. 2,317.

I am directed by His Honour the Lieutenant-Governor of these Provinces to request you to be good enough, with the permission of the Governor in Council of Madras, to suggest the steps you would recommend this Government to take for the formation of a central depôt for the supply of seeds, grafts, &c., to the public gardens and experimental farms in these provinces, in which attempts are being made to improve the husbandry of the people.

2. His Honour will be greatly indebted to you if, in the midst of your numerous avocations, you can find time to suggest a plan, as little costly as possible, for meeting satisfactorily the numerous applications for seed, &c., which are now being received by this Government for the institutions in question.

Order thereon, 17th December 1873, No. 1,448.

This paper will be forwarded accordingly to the Government of Bengal.

(True Extract.)

(Signed) D. F. CARMICHAEL,
Secretary to Government.

FOREST PRODUCTS IN SOUTH CANARA.

Proceedings of the Madras Government, Revenue Department, 19th December 1873.

Read the following Proceedings of the Board of Revenue, dated 3rd December 1873, No. 2,458, Forest No. 78:—

Read the following letter from H. S. THOMAS, Esq., Collector of South Canara, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Siradi, 25th October 1873, No. 1,796-B:—

In reply to the Proceedings of the Madras Government, dated 1st

* Board's Proceedings, 14th March 1873, Forest Miscellaneous No. 53-1,522. I have the honour to enclose a list of forest-products obtainable in this district. These products are generally collected by the inhabitants in the vicinity of the jungles in small quantities and disposed of by sale to the bazaar-men near at hand. The trade in these products being very limited, the quantity collected

and sold cannot be stated with any degree of accuracy. Almost all the products are consumed in the district, except a small portion of a few of them, such as those noted in the margin, which are exported to the northern ports.

2. The most valuable of these products is cardamom; but a large quantity of this spontaneous crop is never gathered, and all efforts to collect it were failures, as the jungles are uninhabited by human beings, and wild animals take shelter in them. Measures may be adopted for the gathering of the cardamoms, but the cost of establishment and other expenses that will have to be incurred for the purpose will be out of all proportion to the price that would be realized by their sale.

3. Cinnamon bark and flower are procured; the former by stripping the trees, and the latter by plucking the flowers when in blossom. These processes necessarily retard the development of these trees. Nagabetta (a species of cane) is carried away in large quantities by way-farers and pilgrims frequenting the temple at Subramania, where they grow largely. Trees producing the wood-oil are also ruined in large numbers. If these destructions are restricted, we may eventually, in the course of some years, be in a position to command a moderate revenue from their sales.

4. It may be safely stated that there is at present no class of people in the district that can strictly be called forest-tribes. The men that collect these products live in villages near jungles. They are known by the general designation of (Malekudies) hill-residents. They are also called in some parts of the district (1), Maraties, (2) Malemaylarn, (3) Kudubies, (4) Gowdahs, (5) Koragars, (6) Davalus, (7) Nangarus, (8) Holyars, &c. These people can scarcely be said to trade in forest-products. They sell them to bazaarmen, and the sale-proceeds are generally so trifling that they are barely sufficient for their food and clothing which are very limited; for these men, in adverse seasons, live on roots, fruits, and game killed in the jungles, instead of grain.

5. The condition of these Malekudies has of late improved. Prior to Fusly 1267, when coomery cultivation was permitted, these men were inhabiting the jungles for carrying on their cultivation when they collected these products and sold them to advantage; but since the coomery cultivation was prohibited, these people have either migrated to Mysore and Coorg to work in the coffee plantations, where they are liberally remunerated, or have engaged themselves as serfs under wargdars in the in-

habited parts of the district. All the people employed under the Neriya Hebbarti are Malekudies, and these are fed and clothed by her for collecting her cardamom crop.

6. Under the foregoing circumstances, I am not prepared to recommend any alteration in the system now pursued in the district regarding these products. The Malekudies should be left to their present pursuits till we are in a position to introduce a system of leasing, on seigniorage, some of the principal and more valuable of the forest-products.

ENCLOSURE No. 1.—List of Forest Products.

Submitted to Government, with reference to G. O., dated 1st March 1873, No. 240.

2. The Board see no reason for State interference with regard to forest-products in South Canara.

Order thereon, 19th December 1873, No. 1,463.

The Government concur with the Board generally; but the Collector should be called upon to explain more fully the alleged destruction of trees for wood-oil, and to suggest means of preventing it.

(True Extract)

(Signed) D. F. CARMICHAEL,
Secretary to Government.

MEANS OF IMPROVING NATIVE AGRICULTURE.

Proceedings of the Madras Government, Revenue Department, 7th January 1874.

Read the following Proceedings of the Board of Revenue, dated 1st December 1873, No. 2,438 :—

Read the following letter from W. R. ROBERTSON, Esq., M.R.A.C., Superintendent of Government Farms, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Sydapet, 30th October 1873, No. 799 :—

I HAVE the honour to acknowledge the receipt of Board's Proceedings, dated the 27th of October 1873, communicating copy of a letter from A. Wedderburn, Esq., to the Chief Secretary to Government, on the subject of agricultural improvement, and, as directed, now proceed to offer some observations on the suggestions made by Mr. Wedderburn.

2. I agree with him in the remarks made in paragraph 1 of his letter, relative to the high stipends allowed to district Farm Apprentices, but I have already addressed the Board fully on this subject. I also agree generally in the

observations made in paragraphs 2 and 3. With reference to the suggestions made in paragraph 4, I would remark that, as far as our means allow, every encouragement is given to native cultivators to visit the farms here and to examine for themselves into their working; still I think that much more may be done in this direction. Possibly, half a page in each of the local directories might be devoted to a short description of the objects Government have in view in establishing these institutions; but I believe that much more could be done by printing in the local gazettes a short paragraph giving the foregoing information, and explaining that all visitors to the farms would be made welcome. Indeed, that every ryot has a right to claim any information the farms can afford; that the farms may be visited on any work-day between the hours of 6 A.M. and 6 P.M., by any one desirous of doing so; and that, unless a personal interview is desired with me, no introduction of any sort is necessary, the farms being as free to the public as the Government Museum and other institutions of the kind.

3. I have noticed with regret that many ryots come here prepared with letters of introduction from some one of the Government officials of their district. There is no particular objection to this, especially if the bearer is a person of consideration; but I fear some formed the opinion that this letter of introduction is a sort of pass without which the farms cannot be seen.

4. As regards the other suggestions I think that something may be done by sending from here specimens of agricultural produce of an improved kind for exhibition at the headquarters of each Collector; but it must be remembered that such produce is generally of a very perishable nature, and could only be exhibited for a very brief time; while some produce would be exceedingly difficult to send, so as to reach its destination in a condition fit for exhibition.

5. I have long held the opinion that in each district there should be a room in some public building devoted to the exhibition of the agricultural productions of the district and of those productions which it is desired to introduce into it, of samples of the soils of the district, of samples of the manures available in the district or procurable elsewhere at a moderate cost, of models of improved agricultural implements, &c.; but it seems to me that such a collection may most advantageously be connected with the farms to be started.

6. We derive a considerable part of our income from the District Pound Funds, and on this account, therefore, as well as on account of the general claims that all parts of the Presi-

dency have on our time and on the means at our disposal, we certainly ought to do more for the agriculture of the districts than we have yet done. The scheme for agricultural education, which I have already had the honour of submitting to the Board, provides, in some measure, for meeting these claims.

The letter from the Superintendent Government Farms will be submitted to Government, with reference to Government endorsement, dated 6th October 1873, on the letter from the Collector of Coimbatore, dated 10th September 1873, No. 41.

2. The Collectors of the districts noted in the margin will publish Notices in the District Gazettes to the effect that the Government farms are open to the public, and that every facility is given to ryots and others visiting them to see the operations in progress. Notices to the same effect might be posted at the railway stations.

3. Collectors are informed that on application to the Superintendent of the Government Farms specimens of some of the least perishable products, such as maize, Carolina paddy, cotton, &c., will be furnished to them. The specimens should be accompanied by short notices descriptive of the method of cultivation, and should be exhibited to all who wish to see them at the Huzur Cutcherries. The Board do not think that anything more can be done in the way of local agricultural museums until the district farms and schools are established.

4. The Board are of opinion that it is highly desirable that Mr. Robertson should make a complete and leisurely tour of examination and inquiry in the provinces with a view to making himself acquainted with the actual practice of native agriculturists. The peculiarities of their methods, the shortcomings, difficulties, and the merits of their systems,—for they have merits,—are now almost unknown, and a knowledge of them is essential to rational efforts for improvement of native agriculture.

Order thereon, 7th January 1874, No. 18.

The instructions, paragraphs 2 and 3 to Collectors of districts, are approved.

2. The Government will deal with paragraph 4, separately, in passing orders on Board's Proceedings of 25th November last, No. 2,410.

(True Extract.)

(Signed) D. F. CARMICHAEL,

Secretary to Government.

MISCELLANEOUS.

THE CANARA LAND CASE.

THE evidence in this important case has been taken by commission in the District Court at Carwar. The further hearing in the High Court has been postponed *sine die* owing to the large number of documents produced, which require to be translated. The whole evidence can never be brought before the public, and few persons would have the leisure or inclination to read it if it were, yet the suit involves matters of interest not only to the people of Canara, but of India generally for the principle upon which the revenue requisite for the administration of the country is levied is of public importance, and, to regard the matter in a lower light, if too little is levied in one province, too much must be levied in the rest. We purpose running rapidly over the history of land revenue in North Canara from the earliest times of which we have any knowledge. The sketch must of necessity comprise only the most prominent features, but we trust it will be sufficient to enable our readers to form an opinion for themselves on the questions at issue. The district now known as North Canara comprises the most northern districts of the old province of the same name and the territories of the Rajah of Tondah. Canara and Tondah have had a separate history, and their land systems were formerly based on different principles. All the lands referred to in the suit are situated in the latter; but as it is probable that the plaintiff rests his claim principally on the course of the revenue administration of the former, it will be necessary to refer to both districts, and convenient to begin with the more important.

It is matter then of tradition that the tenures of Canara are of very ancient date, and had their origin long before the time of which we have any historical knowledge. We have no trustworthy account of the manner in which they were acquired, but it has been generally admitted that the proprietary right in the soil rested with the holders on condition that they paid a stipulated share of the produce to the Sirkar. According to the Shasters, that share was equivalent to the seed sown, and supposed to amount to one-sixth of the gross produce. Previous to the conquest of Canara by the princes of Madnra, the land was held by people of the Nair tribe. After that event the privileges of the old holders were conferred on the Huller and other people of low caste, but the Pandian princes required their share of the produce free from the husk, by which device they raised the assessment about 10 per cent. The earliest fiscal measure of which we have any historical record is that of Harihar Rai, the first prince of the Bijayanuggur dynasty, who raised the Sirkar's share to

one-fourth of the gross produce; but he too professed to be guided by Shasters, and retained only one-sixth for secular purposes, giving the rest to Brahmins and temples. He levied the assessment in money, not by fixing a certain amount for each field, but, so far as can be ascertained, calculating the money value of the produce due to the Sirkar. His assessment was called *shist* or standard assessment, and the name without the reality has been retained to the present day. No material change seems to have taken place for two centuries and a half. But in 1618, when the district fell into the hands of the princes of Bednore, an addition of fifty per cent was made to the revenue under the name of Sivappa Naik's *shist*. It is probably owing to this change that there is no concurrence of opinion as to what the old *shist* actually was. Some limit it to the Bijayanuggur assessment; others include in it all that was levied by the Bednore princes, applying the term *shamil* or extra cesses only to the additions made by the Mahomedan rulers.

It is the Bednore assessment which the Madras administrators regarded as the equitable limit to the Government demand, and in this light the term *shist* is more properly applicable to it. It cannot have amounted to less than one-third of the gross produce, and it was always laid down during the Company's rule as the principle on which a fixed settlement should be made, that this was the share to which the Sirkar was theoretically entitled. An assessment at one-third of the gross produce would be considered at the present day to be very heavy. Yet it was the opinion of some of the Madras Collectors that the Bednore assessment was the lightest ever known. The state of the country at the time is described in the most glowing terms. The revenue was easily levied; the land was seldom, if ever, sold for arrears. In private transactions it was saleable from 20 to 30 years' purchase. No remissions were required; if assistance was needed by the landholders, it was given in the shape of a loan, which was easily recovered. Matters are different now, but the reason is certainly not that the assessments are heavier.

The Mysore princes succeeded. It would be uninteresting and of little use to detail the several additions they made to the revenue. Each amildar, with a desire to raise himself in the estimation of the sovereign, found some pretext to increase the demand. The administration is described as a series of cruel attempts to discover how much the province could bear. In the time of Tippoo Sultan, the revenue nominally due was double the Bednore assessment. It, of course, was not and could not be fully levied, for it would have amounted to two-thirds of the gross produce. But it was used as an excuse for extorting from the wretched ryots the utmost they could pay; indeed

many had not left to them sufficient for their own subsistence. Such a system carried with it its own punishment. Most of the cultivators who had not been carried off by force fled from the province; none who could avoid it would undergo the tortures which attended on cultivation; and the source of revenue was in consequence dried up. When Major Munro entered the district, he found it almost a desert.

Of the early assessments in the districts which comprised the territories of the Rajah of Tondah, and which now form nearly one-half of North Canara, little is known. After the fall of Seringapatam when it was heard that Major Munro was marching northwards, the accounts were destroyed or carefully concealed, and the village officers ever after refused or were unable to produce them. It does not appear that any other reliable source of information respecting the revenue administration of this district previous to the Mysore conquest is known. It is matter of history that the Rajah, to pay a *nuzzur* when his dominions were invaded by the Moguls, levied an additional tax in a fixed proportion to what is called the *rekha* or standard revenue. From this it may be inferred that there was previously some regular system, and indeed it is authoritatively stated that Adil Shai of Vidyapoor framed one in at least one portion of the district, but the principle on which it was based cannot be ascertained. The only system, however, which Hyder and Tippoo knew was to extort as much as they could in the same way as they did in Canara. Here too the nominal assessments were more than double the collections. The result was the same. But there was an additional source of inequality and injustice in Tondah. The assessments were fixed in the gross on villages and groups of villages; and corrupt, unscrupulous patels and accountants were left to apportion them on the several holdings at their discretion. Major (afterwards Colonel) Munro took the two districts of Canara and Tondah in 1799, and they have since been administered by the same agency and to a certain extent on the same principles. He at once, however, came to the conclusion that the estates in Canara had from time immemorial been private property, while those in Tondah, with the exception perhaps of gardens, had not, and this opinion was endorsed by almost all subsequent Collectors. The Madras Government of the time was much satisfied with this state of things in the former district, as it was deemed to indicate an easy means of introducing "a permanent system of revenue and judicature," and it was afterwards professedly a principal object in the administration of the province to create private properties where they did not exist. A fitter opportunity may occur hereafter of discussing what this right of private property in the soil under the conditions and restrictions specified amounts to, as well as the

means taken to extend it. For the present we shall content ourselves with setting out the other principal features of the Madras administration.

Sir Thomas Munro was at first strongly impressed with the ruin in which the rapacity of the Mysore princes had involved the district, and under the influence of this feeling he proposed that the assessment should be brought near to what it was before the Mahomedan conquest. Further experience led him to believe that the district could bear much more, and he recommended that the *shist*, or so-called standard assessment, together with three-fourths of the *shamil* or extra cesses of Hyder and Tippoo should be constituted the maximum assessment. It is stated that he urged greater remissions at first than he would have done under the impression that it was the intention of the Government to introduce the principle of the Permanent Settlement, and if too much was imposed in the first instance, it would be impossible to reduce it afterwards. Whatever may be thought of this style of reasoning—and few who are acquainted with the career of Sir Thomas Munro would readily attribute it to a mind so acute as his—it is certain that the Government had some such intention at the time, and a similar idea has been periodically coming to the front up till a comparatively late date. But no satisfactory or equitable principle upon which the proposed permanent assessment could be based had been discovered, beyond this that the Government is theoretically entitled to one-third of the gross produce. The fact that to take a fixed proportion of the produce from the holders of all lands leaves to each a different proportion of the *net* produce or a different profit seems to have been ignored. Mr. Babington urged something of this sort as early as 1827, but Government replied that the rule of taking one unvarying portion of the produce on all lands indiscriminately was merely nominal, and approved of the principle. Fortunately the approval of it had no effect, for it is not only unjust, but impracticable.

But we are anticipating. The step was taken at the beginning of introducing into the public accounts the *shist* and *shamil* as well as the yearly demand and collections. This seemed to be or at least has been deemed to be recognition of the claim that the *shist* is the only just assessment on the land: that part of the *shamil* was levied, though arbitrary, and that the two together formed the limit to which the Government could go. But this was not all. Up till the beginning of the Company's rule, the payments had been made in kind, when prices were high, and in money when prices were low; and, so far as can be ascertained, no assessments had been fixed in money, but the value of the proportion of produce due was calculated according to the price prevailing at the time. Major Munro discontinued

rice payments, and directed all items to be entered in money. The effect of this united with the retention of the old terms was to change their nature altogether. The *shist* and *shamil* had no longer any relation to the produce, but were represented by fixed sums of money, no matter what the purchasing power of money might be. Even in what were formerly the dominions of the Rajah of Tondah, a fictitious *shist* and *shamil* were entered on the authority of the village officers. The only information which the higher officers had of this district was contained in an account of the total assessment which Major Munro had brought from Seringapatam. Subsequent Collectors did not adhere to Sir Thomas Munro's standard, nor indeed did he himself, and it is certain that he was not personally in favour of a permanent settlement. The demands on each estate, however, were moderate, and the people were happy in comparison with what they had been under the Mussulman dynasty. Mr. Read, who succeeded Sir Thomas Munro in the administration of the northern part of the district, and continued to be Collector there for seventeen or eighteen years, attempted to bring the revenue up to what it had been under the Mysore rulers, and was held to have caused thereby a decline of agriculture. The Board of Revenue were so strongly impressed with this idea, and with the weight of the assessments generally that they determined to try another mode of fixing the maximum. The principle was to strike an average of the actual collections for seventeen years on each estate, and make it the limit of the Government demand. The assessment was imposed accordingly by the Hon'ble Thomas Harris in 1819 in all the districts, but those which formerly comprised the territories of the Rajah of Tondah. The Board of Revenue were of opinion that no more equitable mode of assessing the district could be devised, and strongly pressed the introduction of it throughout the whole province. But they were induced to suspend its introduction into Tondah by Mr. Harris's account of the state of the country. In the absence of accounts, Sir Thomas Munro had adhered to the old system of fixing the demand on villages and groups of villages. In 1801, Mr. Read made some inquiry into the produce of individual lands, but it was too meagre for any action to be taken upon it. The ryotwar system of fixing a separate assessment on each holding was not attempted till 1806, and it was then framed on the mere estimates of corrupt and deeply interested village accountants. Indeed it has all along been impossible to ascertain the actual condition of the lands otherwise than by experiment, than which there is no better proof of the lightness of the assessment. Besides there were no boundary marks, and no means of detecting fraudulent encroachment, connived

at as it was by the village officers. Large areas were cultivated on which no assessment had been imposed. Some lands were held at an incredibly small assessment; others were assessed up to their capabilities. It was consequently obvious that to fix the future revenue on an average of past collections would be to perpetuate flagrant inequality and injustice. Mr. Harris saw no remedy but a survey and general revision of assessment. He proposed that the actual condition of each estate should be ascertained by experiments, and that the assessment should be fixed at one-third of the gross produce. A rough survey was made of all the districts, but the assessment was based upon it only in a small portion. The Board of Revenue advocated it till 1827, but the Government, though favourable to the principle, refused to sanction it till more information was collected on the subject, and it was indefinitely postponed. Meanwhile the fictitious *shist* and *shamil* were retained in the accounts, and in the annual settlements they were seldom exceeded.

Matters continued thus in the two divisions till 1832-33. It then came to light that Mr. Harris's assessment was as unsatisfactory as the preceding one. It was framed on insufficient information, and on accounts which showed nothing of the areas or resources of the lands. Up till 1820, when holdings were sub-divided, the parties had apportioned the assessment according to their private agreements. The result of all this was that some lands could easily pay Mr. Harris's assessment, and probably could have paid double; others appeared incapable of doing so, and it was supposed that there was little hope of their coming up to it. Mr. Viveash attempted to extend the principle of Mr. Harris's assessment by dividing estates into those which had paid and could pay the full amount, and those which could not, with other sub-divisions which need not be noticed. The desirability of perpetuating this division as a principle was argued; but the Board of Revenue and the Government, although retaining their desire for a permanent settlement, hesitated to sanction it on so crude a basis. The distinction was retained till 1843, when the Board directed that it should cease. It was at the same time shown that the want of a survey had been felt from the beginning, that all other attempts to assess the country equitably had failed. The Board declared that Government were in no way pledged to the existing state of things, and directed that in surveyed districts the survey accounts should form the basis of the annual settlements.

In 1836 Mr. Stokes who was sent as Commissioner to Canara noticed the gradual extinction of the old landholders, and the manner in which it was proceeding was regarded as a proof of the lightness of the assessment generally. The Nairs, as we have seen, were succeeded by the Hüller and other tribes. In

the time of Hyder and Tippoo most of the latter fled or were carried off. They were succeeded by Bunts or other persons of the Sudra castes. From the earliest times till the Company's accession to the government of the country, the assessment had never been so light, that the land besides paying it, could support idle landlords. Under the Bednore princes the estates were small, and generally cultivated by the holders themselves. A sufficient proportion of the produce was left with them to maintain themselves and families in comparative comfort, but not sufficient to maintain tenants besides themselves. At the beginning of the Company's rule the assessments, though based on the old principles, were calculated in money, and have since been so retained. No notice was taken of the fact that the value of money changes, although during the last twenty years to go no further back prices have more than doubled themselves. Had the holders been men of any education or foresight, they might have improved their condition, but ignorance and improvidence had their way. As their means increased, they increased their expenditure, and they did not stop within their means; for shows at marriages and other useless purposes they raised money on ruinous terms, and involved their estates to men of education and acuteness whom trade had drawn into the district.

The latter were principally Brahmins from Goa and the Concan. They saw that if they got possession of the land a sufficient proportion of the *net* produce would remain, after paying the Government assessment, to make land a profitable investment, and the possession of land became one of their dearest objects. Public servants were not behind in taking advantage of their position and their savings. In the contest the simple and ignorant farmers were outrun, and the greater part of the land passed from the purely agricultural to the commercial and other classes. This course of affairs was even encouraged by the Government. It was hailed as an accession of capital to the landed interest which would tend to the improvement of the lands and easier financial administration of the province. A Brahmin, who did not cultivate the lands himself, but let them out to Sudra tenants, was deemed a fair case for remission. The position of tenant of a wealthy landlord was said to be better than that of an impoverished landlord. Undue liberality to the idle classes who reap without sowing, is too often mistaken for justice and generosity to the *people*, as if the thousands who are crushed under them and who have no means of making their own wrongs heard, formed no portion of the *people*. During the later years of the Madras administration the necessity of a survey and assessment in proportion to the resources of the several lands was recognized more fully than ever. Various

means were taken to bring home to the minds of the people that whatever they might expect hereafter, no permanent settlement had hitherto been made. But the difficulty and expense of a general survey and revision of assessment were balanced against the advantages, and the former were supposed to be of sufficient weight to justify further delay. Other doubts and difficulties from time to time harassed the minds of the rulers, and led them to constantly change their views. In 1851 the Board of Revenue, "owing to the numerous transfers of land which had taken place on the faith of the demand as it then existed and the serious evils which would arise from any general interference with the present settlement," thought the assessment introduced by Mr. Harris into districts which formerly comprised Canara should not be interfered with as a whole, but only in cases of obvious abuse. In 1853 they authorized the fixing of the assessment according to the quality or productive power of each holding, at least in some parts of the district, if not generally. Meanwhile the settlements were annually made as best they could be. But the pernicious system was retained of entering in the accounts the nominal and fictitious old assessment for one division, and the nominal assessment of Mr. Harris for another. This practice united with the fact that they had seldom, and only in exceptional cases been exceeded, led the people nothing loth to believe that whatever arrangement might be made within those sums, they formed a limit to the Government demand. We leave it to our readers to judge for themselves from the above facts on the main issue which the High Court of Bombay have to decide. That issue is substantially whether the action of the Madras Government, in not exceeding what was the money value of the alleged old assessment three quarters of a century ago, and the intention held at different times of introducing a permanent settlement which was never carried out, debars the Bombay Government from introducing a different system. The question of the applicability of the Bombay Survey Act to lands which have been designated the private property of the holders is of a different nature, and requires separate consideration.—V, *Indian Economist*, 30th September 1873, p. 29.

GREEN FODDER CROPS.

GREEN fodder crops should occupy the place in Indian agriculture that is filled by the root crop, in the agriculture of Europe. The agriculture of a country is never in a sound or healthy state while the majority of its crops are those known as exhaustive. The flourishing condition of British agriculture, at the present day, is due, chiefly to the British farmer having adopted the turnip and mangold as ordinary field crops, and employing them, in

his rotations, as restorative crops to compensate his soil for the loss of fertilizing matters removed in the field produce he sells. The Indian farmer is troubled with no anxieties regarding the future productiveness of his soil, all the crops he grows are those of an exhausting character, by means of which he is gradually draining his land of all its available fertilizing matters; it is true that, as the crops he produces are small, he removes but little at the time of these fertilizing matters, still this does not, in the least, make the final result less certain. There is no good reason why this reckless practice should be continued; we possess an abundance of fodder crops well suited to the wants of the Indian cultivator, and the most of which he can well afford to grow. That a crop of green fodder would be of great value to the Indian farmer, all readily admit who know anything about the matter, but some express the doubt, that the farmer who cannot, at certain seasons, afford to feed himself and family in a proper manner, cannot afford to grow green fodder for his live stock. Such persons seem to consider that green fodder is a luxury, and not a necessity, but, such an opinion is very erroneous; in this country green fodder is not a luxury, but an actual necessity. In most districts, during six months in the year, our so-called pastures are perfectly bare, and at such times our live stock die in thousands, while many of the animals that manage to exist over this period become so emaciated and weakened that, they fall an easy prey to the diseases which generally prevail with the first flush of the monsoon grass. Besides; when working-cattle have been half starved during a long drought, there results a considerable money loss, in their low weak condition, at the season when their active services are specially needed to re-commence the tillage operations; and every owner of draught animals knows how very costly it is to put such animals again in working order after they have once been allowed to fall out of condition. We hold that no person can afford to keep live stock who cannot afford to feed them fairly. If a farmer imagines that his means necessitate him to keep his live stock just above the starvation point, it is evident that, he has no business to be an owner of stock. But, we contend that there are very few instances indeed, in which the circumstances of the cultivator are so bad as this: we believe, that if there is a wish to grow fodder, the cost of raising it will seldom be an obstacle. But, the fact is, the cost of producing the fodder is not the real objection; our cultivators know well enough that they can produce good fodder at a very trifling cost; the real objections are;—that for the crop of fodder produced *they do not see the return in rupees*, their repugnance to any change in their customs, and their general unwillingness to exert themselves

to avert calamity of any kind; they trust to fate, and hope that as their stock survived the effects of the last bad season, they will survive the effects of the next, and are unwilling to see that, by the expenditure of a little labour in the production of a crop of fodder, they may preserve the life of a bullock which might otherwise have been lost, may keep their working-cattle in condition fit for work, and sustain in a healthy state the breeding animals and young stock they possess. But we fear, that with many of our cultivators the wretched narrow-minded policy of saving, at the expense of the usefulness, the health, or the lives of their stock, is too attractive; as the production of the fodder would cause trouble, and probably the expenditure of a rupee or two in buying seed, and rather than submit to this they prefer to face the risk.

To any one with a particle of common sense the risk would be a great one. Place the cost of seed, and the exertion of raising the fodder, with the 15 or 20 tons of fodder produced, against the certain loss on 4 or 5 head of stock, brought down almost to the starvation point, with loss of the full services of the working cattle, from poverty and weakness, when, at the beginning of the season their services are so important to the farmer, leaving out of the calculation the value of the stock that might have died:—and how does the matter stand? The general results which attend the liberal use of fodder in feeding farm stock are,—well grown, properly developed, draught animals with strength and stamina to enable them to perform, without undue fatigue the work demanded of them; are success in breeding, and in rearing horses, cattle and sheep; are larger profits in the dairy, and better returns for fattening sheep and cattle. But the benefits do not end here, for the consumption of a large quantity of fodder on the farm results in a correspondingly large supply of manure, and the farmer, who has an abundance of manure, has the means to enable him to grow the most valuable and most remunerative farm crops, or if he prefers it, to greatly increase the yield of such crops as are more generally cultivated. Thus, the benefits, produced on a farm by the production on its soils of a crop of fodder, and by the consumption of this fodder by its own stock, are in value far beyond the immediate cash returns obtained thereby. The influences for good thus set in operation will continue to act and to re-act for years, provided that no unnatural disturbances are allowed to interfere with their action; and in this way the productiveness of the farm is materially increased. On a farm that has not previously produced a fodder crop, the introduction of such crops is peculiarly beneficial, especially when the produce raised is consumed by its own stock. The few tons of manure thus made represent so much additional producing

power placed at the disposal of the cultivator, producing force which previously remained inert and useless. But in addition to the beneficial effects produced by the liberal use of fodder on live stock, and on the supply of manure, we must not lose sight of the benefits to the land, that result from the cultivation on it of certain of our fodder crops, more especially of those that are grown under drill cultivation and are cut before having arrived at maturity. But we must pass on to speak more in detail of our indigenous fodder crops, and of those fodder crops that have been introduced and grow well in this country. Of such crops we possess a great number of varieties; a few belong to the order Leguminosæ; but the bulk are cereals. Some are only suited to districts in which the temperature during the time of their growth does not fall below 70 degrees, while others, as the oat, lucern, saintfoin, vetch, &c., &c., will grow and yield fair returns though the temperature should occasionally sink below 40 degrees.

We cannot, in the space of a couple of articles, discuss the peculiarities and capabilities of each of the different fodder-producing plants known in India, we shall, therefore, refer only to some of the more important and more easily cultivated kinds. Our fodder plants may be divided under the following heads:—Leguminous plants, gram-producing plants, and grasses. We cannot, with scientific accuracy, classify all the fodders we shall mention under these heads, but to classify them in this way will be convenient, and be sufficiently accurate for all practical purposes. Under the first of these heads, we may place horse gram or coolie (*Dolichos uniflorus*); green gram or moong (*Phaseolus mungo*); methlay cottay; lucern; saintfoin; vetches or tares; and clover of sorts. Besides these, there are other varieties of gram, the different dhals, &c. The most generally useful of these fodders is the kind we mentioned first, it is essentially an Indian fodder, and is especially suited to the wants of the Indian farmer. It can be grown with success on a wide variety of soils: indeed no soil is too poor, provided that it is moderately free and is in a healthy state. But like all crops it yields the best results, when grown on soils that are in a good manural condition; and, in common with all Leguminous plants it delights to grow on soils which contain a fair percentage of lime. The cultivation is very simple; the soil should be turned over to the depth of 4 or 5 inches, and then manure should be applied, and the best way of doing this is to spread it broadcast over the surface of the newly ploughed land, and then to cover it either by a cross ploughing or by a double turn of the harrows, the former, when the manure is long and rough, the latter, when the manure is short or powdery. The manure may consist of farm-yard manure, of ashes, of lime, fresh slacked lime, or old

mortar, of brickyard refuse, of oil cake, &c., &c. It must be borne in mind that though the coolie plant will grow under very unfavourable circumstances, it pays well for any suitable manure that may be applied to it, especially when fodder, and not the pulse is required. After the manure has been worked into the soil, or well covered, the land may be rolled or harrowed, to make the surface as uniform as possible, and after this has been done, the seed may be sown. We prefer to sow the crop by the seed-drill instead of broad-cast by the hand. When sown in drills we are enabled to work the bullock-hoe and hand-hoes through the crop during its growth, thus keeping down weeds and preserving the surface of the soil in a loose friable state a state the most suitable for utilizing thoroughly the beneficial effects of dew. And here, we would remark, in passing, that a heavy dew always produces a greater effect for good on a crop of gram, than a fall of rain which might yield three or four times as much moisture. In fixing the distance apart of the drills, we are guided by the kind of weather that may be expected during the time that the crop is on the land. If we anticipate wet weather we widen the distance, but if we expect dry hot weather, we make the distance as close as will leave just space enough to allow the cattle to pass along when drawing the hoes; the smallest intervals may be, say 12 inches, and the widest intervals may be 20 inches, between these two extremes any distance may be chosen; the quantity of seed will depend upon the closeness with which the land is drilled, but from 30 to 40 lbs. per acre, as the drills are close or wide, will be a fair seeding. The crop should be hoed, at least twice during its growth: it pays well for a liberal use of the hoe. Cutting should commence when the flowers appear; which will generally be in eight or nine weeks after the date of sowing. The yield should vary from 6,000 to 10,000 lbs. per acre, according to the season experienced, the condition of the soil, and the care bestowed on the crop. It is well to avoid having to harvest the crop at a showery season of the year; it is so readily beaten down by heavy rains, while it retains water like a sponge; but the sowings may be arranged to avoid this. Two crops may always be obtained on the same land in one year. We have grown three crops, and this may generally be done if care is exercised to prevent the loss of moisture, when ploughing the stubble of the previous crop for the crop to follow. We are afraid to say at how small a price the Indian cultivator can produce a ton of coolie fodder. Certainly his actual money outlay, including rent, will not exceed 1 Rupee per ton, we have produced it by hired labour at less than Rupees 2½ per ton, making due allowance for rent, &c. All kinds of ordinary farm stock are fond of this fodder, and thrive on it, sheep especially.

We have, for a few days experienced a difficulty with fresh stock in getting them to eat this fodder, but this seldom continues beyond a week, and we have at times maintained in condition the whole stock of a large farm entirely by this fodder. We know of no better crop than cooltie for consumption on the land by sheep, especially on light arable soils where the benefit of the practice is very apparent.

Many of the foregoing remarks on the cultivation of cooltie, apply with almost equal force to the cultivation of green gram, and motchay cottay. Though neither of these crops are so valuable to the Indian cultivator as that just referred to, they possess certain qualities, which make them useful crops under certain conditions: the chief of which is their ability to withstand the ill effects of heavy rains; they will grow and thrive during a wet season that would be destructive to a crop of cooltie fodder. As both produce plants that are nearly twice as large as the cooltie plant, their seed requires to be drilled at wider intervals, say from 18 inches to 24 inches apart; and about 30 lbs. of seed per acre, will be enough for a full seeding even when the narrow spaces are adopted. Both these crops are very liable to be injured by caterpillars and other insects; we have lost many promising crops from this cause. They are large producers when grown on a free soil in good condition, and their fodder is relished by stock of all kinds. Both need more moisture in the soil at the time of sowing, and a more abundant fall of rain afterwards than the cooltie crop. Indeed if the soil is sufficiently moist at the time cooltie is sown to bring the young plants above ground, the dews alone will suffice to bring it to its full growth, but rain is needed for both the other crops. We shall continue the subject in our next.—V, *Agricultural Gazette of India*, 30th September 1873, p. 30.

ACTS OF THE GOVERNMENT OF INDIA.

THE following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 11th September 1873, and is hereby promulgated for general information:—

ACT NO. XIV OF 1873.

An Act to provide for the security and application of the effects of Officers and Soldiers becoming insane on service, but not removed, put on half-pay, or discharged.

Whereas it is expedient to provide for the security and application of the effects of Officers and Soldiers becoming insane

on service, but not removed, put on half-pay,

or discharged; It is hereby enacted as follows:—

1. This Act may be called "The Lunatic Soldiers' Property Act, 1873."

It extends to the whole of British India, and, so far as regards subjects of Her Majesty, to the dominions of Native

Princes and States in India in alliance with Her Majesty;

Commencement. And it shall come into force on the passing thereof.

Interpretation-clause. 2. In this Act—

"Officer" means a Commissioned Officer of Her Majesty's Army, or of Her Majesty's Indian Army; and

"Soldier" means a soldier of Her Majesty's Army, or a European soldier of Her Majesty's Indian Army, including a Warrant and a Non-Commissioned Officer.

3. When an Officer or Soldier becomes insane on service, but is not removed, put on half-pay, or discharged, on the ground of insanity, such Committee of Officers as the Governor-General in Council may from time to time prescribe, shall immediately secure all such of his effects as are within the territories to which this Act extends.

4. Such effects shall be liable to be applied in or towards payment of any expenses necessarily incurred in the maintenance and removal of such Officer or Soldier to any place in India, and of any such expenses and debts incurred and owing by him as would, under Part I of Regimental Debts' Act, 1863, be preferential charges on his moveable property in case he had died on service, with the like preference, in the like order, and subject to the like provision for decision of doubt or difference, as would in that case apply, as nearly as may be, *mutatis mutandis*.

5. If any person who would, if such Officer or Soldier were dead, be entitled to take out representation to him (otherwise than as a creditor) or his wife (if any), or any near relative, pays in full the expenses and debts aforesaid, the said Committee shall not further interfere in relation to the property.

6. If such payment is not made, then, within one month after the insanity is known at the quarters where the property is, the said Committee may sell and convert into money such part of the property as they think fit, and, after paying out of the proceeds the expenses attending the discharge of their duties, shall pay thereout the expenses and debts aforesaid,

and shall dispose of any property then remaining in their hands in such manner as may from time to time be prescribed by the Governor-General in Council, or by such Officer as he appoints in this behalf, to the end that the same may be applied for the benefit of the Officer or Soldier to whom it belongs.

7. Every payment or application of money, and every sale or other disposition of property, made by any Committee in pursuance of this Act, shall be valid as against all persons whomsoever.

And every Officer belonging to any such Committee shall be discharged from all liability in respect of the money or other property so paid, applied or disposed of.

8. The Governor-General in Council may, from time to time, prescribe such regulations as may seem fit for the better execution of any of the purposes of this Act.

(Signed) WHITLEY STOKES,

Secy. to the Govt. of India.

Re-published by order of the Right Honourable the Governor in Council.

(Signed) W. HUDLESTON,

Chief Secretary.

THE following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 30th December 1873, and is hereby promulgated for general information :—

ACT No. XX of 1873.

An Act to continue certain privileges and immunities now enjoyed by Prince Azim Jah Bahádur, as Prince of Arcot, to his sons on succeeding to the title.

Whereas by Royal Letters Patent, dated the second day of August 1870, under the Sign Manual, Her Majesty the Queen was pleased to confer the title of Prince of Arcot upon Prince Azim Jah Bahádur and his

heirs, as in the said Letters Patent set forth ; And whereas in view to maintaining the dignity of the said title, it is expedient to attach to it for some time to come certain privileges and immunities which by Act No. XXXVII of 1858 are personally attached to the said Prince Azim Jah Bahádur and to certain ladies members of the family of the late Nawáb of the Carnatic, and to prevent the risk of the Prince of Arcot for the time being involving himself in pecuniary liabilities ; It is hereby enacted as follows :—

1. This Act may be called "The Prince of Arcot's Privilege Act, 1873."

Local extent. It extends to the whole of British India :

Commencement. It shall come into force on the passing thereof ;

And it shall remain in force so long only as the said title of Prince of

Continuance. Arcot is held by the said Prince Azim Jah Bahádur,

or by one of his four sons in the said Letters Patent designated by name as follows :—

Mohamed Badí Ullah :

Ahmad Ullah :

Nur Ullah Miyáan ; and

Ghulám Muhíy-ul-dín.

2. No civil suit shall be commenced or prosecuted, and no civil writ or

Bar of civil suits, &c., against holder for time being of title of Prince of Arcot, unless with consent of Madras Government.

process shall be sued forth, in any Court against the person or property of the Prince of Arcot for the time being, unless such suit is commenced, or such writ or process is sued forth, with the previous consent of the Governor of Fort St. George in Council, such consent to be certified by the signature of one of the Secretaries to the local Government ;

and any civil suit, writ or process commenced, or sued forth against the person or property of any such person as aforesaid, without such consent certified as aforesaid, shall be null and void.

3. The Prince of Arcot for the time being shall be incapable of entering into any contract which may give rise to any pecuniary obligation on his part.

(Signed) WHITLEY STOKES,

Secy. to the Govt. of India.

Re-published by order of the Right Honourable the Governor in Council.

(Signed) W. HUDLESTON,

Chief Secretary.

THE REVENUE REGISTER.

No. 3. MADRAS :—MONDAY, MARCH 16, 1874. [VOL. VIII.]

THE AGRICULTURAL EXHIBITION AT SYDAPET.

OUR readers will remember that as long ago as October last we drew their attention to a proposed Agricultural Exhibition at Sydapet, and published in our November number the proposed prize list and show-yard regulations. We must now endeavour, for the sake of our readers in the Mofussil especially, to give them some account of the Exhibition itself. The Exhibition was opened on Wednesday the 11th February, at 6 A.M., and remained open to the public for the two following days. Considering that this Exhibition was the first one of its kind held in India, and the great difficulty always experienced in inducing people to take in any new idea, especially in this land of "*mamool*," we think the Exhibition was a grand success. There is no doubt that much of its success must be attributed to the extraordinary exertions of Mr. Robertson himself, the very able and energetic Superintendent of the Government Farm, under whose personal superintendence the temporary buildings were run up, and all preparations made for the reception of animals, produce, &c. The Exhibition was held on the Government Farm grounds, and was approached from the Mount Road by a well covered foot-path, on emerging

from which the visitor found himself in a lofty and spacious hall furnished with long tables, on which were ranged specimens of agricultural produce, such as rice and various other food-grains, gram, oil-seeds, gums, wax, fibres, green fodder, guinea-grass, paddy, lucerne, mucka cholum, &c., coffee, tea, and silk. Here, too, were one or two exhibits of excellent butter and ghee. The opposite end of this large hall led into a sort of rotunda open in the centre to the sky, and surrounded with pens containing turkies, geese, ducks, fowls, rabbits, pigeons, and all sorts of oddities, such as white mice, mongooses, and other little jungle animals. On two sides of this rotunda were small office-rooms for the Judges and the Committee, while from the fourth side the visitor passed on to four large parallel sheds, in which were exhibited oxen, ponies, asses, sheep, pigs, farm implements, and so on. Beyond these sheds again was a large, comfortable, well ordered tent where the Judges and Committee breakfasted in the midst of their labours. To attempt anything like a minute description of each article, or animal exhibited, or to enter into any speculations regarding the merits of the various classes of cows, heifers, poultry, &c., brought together, would be foreign to the scope of our journal, and would probably serve no good end. We will, how-

ever, endeavour to give our readers some idea of what was exhibited.

In the shed nearest to the Judges' tent were shown agricultural instruments, models of picottahs, scales, wheelbarrows, farm carts, &c. There was a very nice little model of a Bangalore alternate picottah, in which one bucket descends while the other rises. Another model was of an alternate picottah worked with bullocks; and a third of a reciprocating picottah. In all these cases the evil of friction appeared to be the difficulty that would have to be encountered in practice, as well as the very large size of the circle the bullocks would have to describe when the well is deep and the water low. There were many excellent ploughs exhibited, nearly all of which were the property of the Experimental and Model Farms. Some of them were *bonâ fide* English ploughs; others were modifications of the English plough specially adapted to the different circumstances of India. In this same shed was a nice little collection of dairy implements exhibited by Mrs. Robertson: they were admirably adapted both to the object for which they were intended, and to the simple arrangements usual in India; while their spotless cleanliness would have done honour to the most elaborate dairy at home. Messrs. Oakes & Co., of Madras, contributed some fine garden chairs, garden umbrellas, tiffin and picnic baskets, and a variety of useful and quasi-agricultural articles. In the second shed were exhibited pigs and sheep. Some of the pigs were really very fine and in splendid condition. Of course, the Farm pigs were the finest, but they were "not competing;" but next to them, those exhibited by Mr. Alfred Arathoon were the best, and that gentleman accordingly carried off the 1st and 2nd prizes. On the other side of the shed was a fair display of sheep and goats, including

some very fine white sheep and young lambs bred in the Farm. Three large white rams, Farm bred, were really wonderful for Indian animals, and were much larger than the donkeys which occupied the next stall. These rams were straight in the back, square built, and covered with an abundance of fine wool. Among the successful exhibitors of sheep was Dr. Shortt, the well-known Superintendent-General of Vaccination: he obtained prizes for rams of the Patna, Bussorah, Bellary, and Mysore breeds. A native from Vencatagherry brought a formidable looking fighting ram, which was, however, not eligible for any prize. In the next shed there were some very poor specimens of cows and buffaloes, such as one daily meets with in the streets of Madras, which could hardly have been expected, even by their owners, to win any prize or honourable mention. It was a relief to turn to the really splendid Nellore cattle, many of which had been walked by their enterprising owners all the way from Nellore. The excellence of the cattle is best evidenced by the fact, that for bulls of any Indian breed fit for getting dairy stock, there were two 1st and two 3rd prizes. Many, too, were the special prizes given to encourage the people to come forward freely with their cattle. The 1st. prize for the best Indian bred cow in milk, suitable for getting dairy stock, fell to the lot of Mr. R. Hurri Row, of Madras, who exhibited a very fine Nellore cow. The cows which won the second and third prizes were the property of Mr. Alfred Arathoon, and seemed but little, if at all, inferior to Hurri Row's fine animal. The heifers formed an interesting part of the show, many of them being very handsome young animals with gentle fawn-like eyes. Among the owners of heifers competing, R. Hurri Row gained the 1st, and Chuckka Kotta-

doo of Nellore the 2nd prize; and no fewer than nine extra and special prizes were awarded to other competitors, among whom Mrs. Robertson carried off a prize for a very fine brown half bred English heifer. Some of the Farm cattle, too, were exhibited, though they did not compete, and the large plough buffalo was undoubtedly much the finest animal of his kind in the Exhibition. In the last shed on one side were a few country ponies, among which one, exhibited by Mr. R. T. Chisholm, was *facile princeps*. Apparow Mudali of Madras also showed some of his Pegue ponies, but there was no prize intended for ponies not of an Indian breed. The fowls exhibited were of many different breeds, and were generally well grown, and gave evidence of having been carefully reared. There were Dorking fowls, Cochinchina fowls, Brahmapootra fowls, Black Spanish fowls, and Country fowls, and the prizes were distributed among a large and eager field of competitors. Perhaps, however, the most interesting and important part of the Exhibition was the large hall in which were exhibited so many varieties of agricultural produce. There is no wonder that the land revenue should be the great pillar of the Revenue in Southern India. Notwithstanding the fierce heat of the sun, and the difficulty which always exists in procuring an adequate supply of water, the products of the earth in this country are so varied and so abundant, that even the vegetarian millions of the land have food at a fractional part of the value of grain in England. To an uninitiated observer, at least, the number of different sorts of paddy, cholum, raggy, grains, and pulses of all sorts, is quite bewildering; nor are his ideas rendered any clearer when he turns his attention to the various descriptions of oil-seeds. Fibres were very fairly represented: there were six specimens

derived from plants belonging to the family of the Malvacæ, three belonging to the family of the Ficus, and one to the Madar. There was the Aloe fibre, and a fibre derived from the Crotalaria used in the manufacture of gunny bags, the Hibiscus Cannabis, and the Doenia Extensa resembling cotton. Some specimens of ordinary silkworm were exhibited by Messrs. Dymes and Co., and some Tassa silk cocoons by Dr. Shortt. The best coffee appeared to come from Khotergherry, and the best black tea from Mrs. Morgan's estate at Ootacamund.

This is, we are aware, a very brief and imperfect resumé of what was exhibited at Sydapet this year. We hope, however, that our readers may be able to gather from it what sort of articles were sent; and the point we would press upon them is not to consider anything too trifling to be shown, or anything not worth the trouble and expense of sending. The Committee, in the most liberal spirit, awarded extra and special prizes in all the different classes, with the express object of encouraging the people to exhibit, and in preparing for the Exhibition to endeavour to improve their produce to the utmost of their power. We notice that some of the Revenue authorities sent exhibits in their name for ryots of their district: this is, we think, an excellent idea, well calculated to give confidence to the ignorant and, perhaps, suspicious ryot, and to draw closer the ties which should always exist between the governing and governed classes. Is it not likely that a poor man will work all the harder and more cheerfully when he knows that his immediate representative of the Circar takes a kindly interest in him, and will do all he can to secure a reward, or honourable mention, for his labours. We feel persuaded that much power for good or for evil is exercised by the Revenue agency spread like a network over the land. If

Collectors and their Deputies and Assistants only understood and appreciated their privileges, they would be the very strength of our Indian Empire: we should readily control the masses through the men with whom they were in daily contact, and who offered them that sympathy and aid which all in superior positions should afford to those around them. We fear there are but few Collectors who in any way approach our ideal. The whole education of young men at home, the prejudice and narrow-minded ideas they acquire in India, the press of work, and perhaps some faultiness in the character of the poor ignorant ryots, forbid it; but the happiest and best fashion of settling their disputes, attending to their petitions, assessing their kist, and granting their remissions is, no doubt, in the old paternal style, under the shade of some mighty tree, in the midst of the people, and with one's heart in the land of his adoption.

We are not without hope that a series of Agricultural Exhibitions held yearly in different districts will do much towards the object we have at heart. It would be a great assistance if some Collector or Assistant Collector could attend the Exhibitions, one from each district, in charge of some half dozen, or dozen, of its more intelligent ryots. It would be his duty to go round with his little group of followers, pointing out to them the various specimens, explaining to them the merits and defects of each, teaching them what to cultivate, what to avoid, instructing them in the advantages of deep ploughing, manuring, top dressing, and so on. It is needless to say that we presuppose a knowledge of the language of his district in each Revenue Officer appointed to this sort of work. Nothing gains by interpretation, least of all, a running *vivâ voce* commentary on a variety of subjects. Yet, though we would insist on

a knowledge of the language, we would not advise the selection for this task of a Native Revenue Official; and this, not because the native might not know as much as the Englishman; nor because he would not much better probably adapt himself to the capacity of his countrymen's understandings; nor because we are of those who would unfairly and selfishly keep back Native Officials from all pleasant and honourable work; but simply because the highest born, the best educated, and kindest hearted native would not accomplish our object. What we wish for is the promotion of a substantially good feeling between the European, who finds himself here as one of a governing race, and the Hindoo who occupies the position of the governed. We would fain see the younger members, in particular, of our Civil Service learn the languages and study the past history and present customs of the people; and then, with the sound common sense and inflexible justice inherent in the character of an Englishman, they will make better administrators and better protectors of the people, than those who do not believe in the bright and good side of native character, and who affect to despise men as well born, and in some cases as well educated as themselves, though it be of a different race. Agricultural shows, too, would do much good in spreading knowledge from one district to another. The people are very slow in adopting new ideas, and some improvement in agriculture might be well known in one district and yet never spread to the next. By the moveable exhibitions to which we are alluding, improvement in agriculture, in the breeding of cattle, and so forth, would be brought home to the very doors of the people, and in a land so devoted to agriculture, would surely, in time, awaken a desire for more knowledge; and some

little spirit of emulation with surrounding districts, might come in as a healthy spur to expel the present indifference and nonchalance that unhappily pervades the land.

The auction which was held at the close of the Exhibition is also a feature of importance, affording a ready means for the interchange of valuable breeds of cattle, sheep, pigs, &c., and for the purchase of improved seeds and specimens of the various grains, pulses, fodders, and so on. The sale of produce, together with the prizes won, would appeal powerfully to the mind of the ryot, and would compensate him for the time and trouble spent in preparing his exhibits and bringing them to the Show. That some of our ryots and cattle breeders do already understand something of this, is proved by the Nellore cattle breeders marching their valuable cattle a distance of some two hundred miles over execrable roads. We are not in a position to say what the result of the Exhibition has been in a financial point of view. We feel persuaded, however, that it can be no loss in the long run, and that an improved system of agriculture, and larger and more valuable crops, will in due time swell the ryots' earnings and the Government kist. But putting aside all interested and ulterior motives, it is evidently our duty to do all we can to improve and raise the condition of the people entrusted to our care. When so much of the wealth of India is absorbed by the Imperial Treasury and spent on objects of which the people know little and for which they care less, we must not dare to grudge anything in reason to the cultivator of the soil from whom all the revenue of the land and the support of the State are derived.

EXOTIC TOBACCO.

THE Hon'ble J. D. Sim has very kindly handed us a lithographic print of an exotic Tobacco plant raised at Dindigul in the Madura District, which we regret we have not the means of reproducing in our journal for the benefit of our readers. It represents a splendidly grown plant raised by Captain Campbell on his plantation at Dindigul from Manilla Tobacco seed sent to him from Kew Gardens through Mr. Sim. It stands 9 feet and 4 inches in height; the length of the middle leaves is 32 inches, the breadth being 16 inches; and the plant is surmounted with a cluster of white flowers delicately tinted with a rose blush. If such plants could be multiplied on a large scale, Indian grown tobacco would soon take a very high place in the markets of Europe. No specimen approaching this was furnished to the recent exhibition at the Government farm at Sydapet. We apprehend, however, that care should be taken that the quality of the tobacco does not deteriorate in encouraging the larger growth of the plant.

HIGH COURT—MADRAS.

INNES, AND KINDERSLEY, J. J.

Suit for pagoda property—Rights of hereditary trustee and manager appointed by Government.

A sued to recover six villages from B on behalf of the pagoda and to declare the copper sasanam, on which B based his claim, to be a forgery. The Civil Judge found that the title to the villages was in the pagoda; but that as B had been placed in management by the Board of Revenue, he was entitled to hold them for life, while A, as trustee for the pagoda, had a reversionary title on his death. Both A and B appealed.

HELD, on the evidence, that A had proved his title to the villages as trustee for the Pagoda; that the sasanam on which B relied had only lately been produced, whereas if it were genuine it would have been constantly put in evidence in previous suits; that from internal evidence

it appeared to be a forgery; and that the Board of Revenue put B into possession believing him to be the hereditary manager; but they did not appoint him manager under Regulation VII of 1817, or even if they did, such appointment was no bar to a contest of the title with a view to recover the property; and that if the manager sets up a title to the property, he takes the possession of a competitor and becomes liable to restore the property, if another man is found to have a better title.

R. As. 95 and 123 of 1872.

Nellaikumura Pillay v. Nallathumbi Bhutter.

THESE were cross regular appeals from the decision of Mr. Francis Culling Carr, District Judge of Tinnevely. The facts of the case fully appear in the following

Judgment:—10th November 1873.

PER INNES, J.—This was a suit brought by the trustee of the pagodas of Nallayapper and Kanthimathi Ammal for the recovery of six villages from the defendant on behalf of the pagoda, and to declare the copper sunnud, purporting to be an ancient grant, on which defendant leased his title, to be a recent forgery. There was also a prayer for mesne profits. The District Judge considered that the evidence sufficiently established that the title to the villages was in the temple and not in the defendant; but he was also of opinion that, as defendant had been lawfully placed in management by the Board of Revenue, he was entitled to hold the villages for life. He, therefore, declared plaintiff's reversionary title, as trustee of the temples, on the death of the defendant. In regard to the copper sunnud, he considered it unnecessary to determine whether or not it is a genuine instrument, as he was of opinion that there was nothing to show that it had ever been acted upon.

Defendant appealed from this decision as to the title, and plaintiff appealed as to the part of the decree which refused him immediate possession of the property.

It is conceded that the grant of the villages carried with it the obligation to perform certain ceremonial services in these temples. In other words, it is conceded that the temples have at least a charge upon the produce of the villages for this purpose. What the plaintiff contends is, that the villages appertain exclusively to the two temples, while defendant claims them subject to the aforesaid charge as an hereditary grant made to one of his ancestors and rightfully devolved on him, which, though taken possession of by the Government in 1858, was restored to him in 1859. The only substantial question is, whether plaintiff, as warden of the temples, can claim actual possession and management of the villages as the property of the temple. Taking the appeal of defendant, first,

we may start with the admission that the person managing in 1838 was Vendramuthu Kumarasawmy.

Exhibit O. is the judgment in Original Suit No. 17 of 1819, in which the cousins of Vendramuthu Kumarasawmy Pandarum sued him for partition of eight villages, of which six are those claimed in the present suit. In this case, Vendramuthu Kumarasawmy Pandarum set up that the villages were the property of the Nallayapper pagoda, and that he was manager and not owner. It followed, if this were so, that the cousins could have no right to enforce partition. The decision was that he was not the owner. To arrive at that decision it was necessary to determine, and the Judge did determine, that the property was that of the Nallayapper pagoda, and that the defendant was merely a manager for the pagoda. The present first defendant was not a party to this suit; but the decision is a decision upon a public right, which is, as reputation, receivable in evidence against defendant, though not conclusive as evidence. In 1838 the villages were attached by the Collector as the property of the pagodas; and so held. The same person was then in management. The evidence that he was then managing as agent of first defendant fails entirely as the Judge has shown, and the presumption arises that he was managing on behalf of the temples, as he himself then asserted. Here, then, we have *prima facie* evidence of a right of possession and management residing in the temples so far back as 1819 and up to 1838.

Then, how does defendant meet this? He relies on his sasanam (the copper grant); on his evidence to his lineal descent from the original grantor; on certain decisions of the Courts on the recognition of his title by Government in 1858; on long possession, and certain other evidence.

As to the sasanam, there is absolutely nothing to show that this document was even put forward till 1854, except the evidence of the witness Rāmaia (in Case 36), who says he recollects that it was produced before the Tahsildar in 1838, the year in which the villages were taken possession of by Government. Document P., which purports to be the order of the Tahsildar on the inquiry then made, is absolutely silent as to the sasanam, and this renders it almost a matter of certainty that it was not then brought forward. If it then existed and was shown to the Tahsildar in support of the title, defendant alleged, it would have been, if believed genuine, the most obvious evidence of that title, and both on this account and from the curiosity attaching to so ancient a document, it is in the highest degree improbable that it would have been kept in the back ground. Is it to be believed that from 1838 to 1854 the defendant would have been silent as to the existence of this evidence to the

ancient grant if it had then had any real existence. For it is notorious how the possessors of endowments rely upon their sunnuds and take advantage of every opportunity of having them mentioned or referred to in public proceedings.

Internal evidence also, in the intermixture of foreign words with the text, leads strongly to the conclusion that the sasauam is a forgery.

Of the words referred to, Zumla, Sadarhi, and Vagaira, may be instanced, which have only come into use through the Mussulman Governments, and can hardly have been current in South India at the date which the copper document bears.

The sasauam and defendant's title, as derived from it, were, it is true, recognized by the Board of Revenue and the Government in 1858, but this recognition rested, as has been clearly shown in the judgment under appeal, upon no apparent foundation. As to the judgments from 1813 to 1866, on which defendant relies, the learned Judge of the Court of first instance has very carefully gone through them, and it is clear that the question of title, as between the temples and the defendant, has not, by any of those judgments, passed into *res judicata*.

As to the other evidence to title, R., purporting to be an agreement, in 1849, between first defendant and Vendramuthu Kumarasawmy Pandarum, the person who had managed up to 1838, was only produced in 1854, and if genuine, is but *res inter alios acta*, and cannot be used as evidence to negative the right of the temples or to establish defendant's title as between plaintiff and defendant. Besides, S.³ indicates that R. was executed in the pagoda, and if so, the agreement with defendant was probably entered into with him in his capacity of trustee of the temple. Defendant says that the attachment of the lands in 1838 took place at his instance, and in consequence of a complaint made by him. No part of the proceedings in this matter is forthcoming, but if the circumstance alleged be true, it would seem to be strongly hostile to defendant's claims, as it is difficult to see what possible object he could have to gain in the seizure by Government of his own lands managed by his own agent.

But T.¹, which contains a statement of the pleas and facts in Original Suit No. 5 of 1854, seems to show that the real cause of the attachment of the villages was that the mortgagers of Vendramuthu Kumarasawmy Pandarum were appropriating all the revenues instead of paying them to the pagoda. If defendant were acting on behalf of the temple, it is easy to understand his applying to the Collector to defeat the misappropriations arising out of the unauthorized acts of the Pandarum in mortgaging; but in the capacity of proprietor, he could have no right

to call upon the Collector to protect him by taking possession and management of the lands, and it is highly improbable that he would have done so. If, therefore, it was at defendant's instance that the Collector stepped into charge of the lands, the most natural inference is, that the application was made by defendant on behalf of the temple and not on his own behalf.

Exhibit XIV, if genuine, is important, as showing that, in 1840, defendant claimed no personal interest in the villages, where, if he had such an interest, it would almost necessarily have been referred to as existing. The District Judge says, that although defendant now denies this, he has most clearly admitted it in Document XII—a deposition given by him in Original Suit No. 50 of 1866. He admits having presented to the Collector an application which is therein marked and spoken of as 'C,' but it does not appear whether XIV is the document which was then shown him as C.

XIII also, the razinamah entered into by defendant and his brother on a partition of property, while it provides for the turns of duty of performing poojah and for the division of certain emoluments in connection with the fees taken in the temple, is altogether silent in regard to the right to the six villages. Conceding that such property would not be partible, yet in an arrangement between the members of the family as to the future enjoyment of the property appertaining to the family, all the property, whether partible or not, would ordinarily be marshalled and referred to, with observations calculated to determine its character as partible or impartible at the date of the arrangement. The omission to refer to this property appears to me to tell strongly against defendant's title.

III and IV are denied by defendant. Doubtless they would be very strong evidence against his title if genuine. The District Judge has believed them, and nothing was said in argument which should lead us to doubt the correctness of his decision as to these documents. They purport to be applications to be allowed to cultivate the land of these villages on certain terms. They were made in July 1839 and November 1840, one and two years, respectively, after the assumption of the villages by the Collector. In these there is not a word as to defendant's right, but in IV the right of the pagoda to the emoluments of the villages is clearly and strongly urged.

It appears to me from the evidence and the circumstances of the case, that the title to manage must reside in the pagoda if it does not reside in the defendant; that the evidence abundantly negatives the title of the defendant; that there is, besides, evidence that the possession in 1819 and up to 1838 by Vendramuthu Kumarasawmy was possession on behalf

of the temple; and that that possession continued from 1838 till the surrender of the villages to defendant, as they were held in the interval by the Collector on behalf of the pagoda. It is difficult to understand why the managers of the temple did not come forward earlier. Prior to 1843 we have it in evidence that there were no dhurmakartas, which would explain why there was no remonstrance on the part of the temple in 1838, but the acquiescence in 1859 in the delivery of the property to defendant leads to a suspicion that those concerned abetted defendant in 1858-59 when he asserted his title—possibly with a view to obtain a share in the sums accrued in the hands of Government during the management.

But I think, for the reasons first given, that plaintiff is the person entitled to possess and manage the property as trustee of the temple, and I would affirm the judgment on this question.

No question arises of a bar by lapse of time, for, as the District Judge says in paragraph 25 of his judgment, the cause of action arose in January 1859, and the suit was filed within twelve years, namely, 9th December 1870.

We now come to the appeal of plaintiff, and it is necessarily to determine whether plaintiff is precluded from recovering, during the lifetime of defendant, by reason of the order of Government in 1858, placing defendant in possession.

The District Judge considers that defendant was lawfully appointed a manager, and that he cannot be ejected in his lifetime; but he has given plaintiff a decree declaratory of his reversionary title on behalf of the temple. The Board of Revenue had, in 1838, taken the endowment into direct management, and in placing defendant in possession in 1859, they simply made over the trust to the person whom they supposed to be entitled to hereditary management. But if they *had* treated him as the person absolutely entitled, this circumstance would not debar a rightful competitor from contesting the title. The Government, assuming to act within the law, could not create a valid title to more than they themselves possessed. They could not lawfully have resumed, nor had they affected to resume, this ancient endowment. They had simply taken over the possession and management of it, and this was all that they gave over to defendant.

By doing so they relieved themselves of the trust they had undertaken under Regulation VII of 1817, but I do not conceive that, by relinquishing the possession to first defendant, they thereby appointed him a manager under Regulation VII of 1817, as supposed by the Judge. Under the Regulation, a manager can only be appointed when no private person is found competent and entitled to manage the trust. But defendant was evidently, in the

view of the Government, both competent and entitled, and possession was given to him not as manager appointed by Government, but as the person supposed to be hereditarily entitled to manage. But if we assume, for argument's sake, that he was appointed manager under the provisions of Section 12 of the Regulation, that is still no bar (see Section 14) to a contest of the title with a view to the recovery of the property. The words are "if the suit be brought against a competitor, or other private person for recovery thereof;" and if a person appointed manager sets up a title to the property, he takes immediately the position of a competitor, and becomes liable to restore the property, if another is found to have a better title.

I think that plaintiff is entitled to be at once placed in possession and management of the property to the exclusion of defendant. I would modify the decree accordingly and order an account of mesne profits from the commencement of Fusly 1279 (1869-70) to date of decree.

PER KINDERSLEY, J.—I agree generally in the judgment of Mr. Justice Innes. My only doubt is whether the judgment in Original Suit 17 of 1819 was upon a matter of such general interest as to be good evidence against a stranger.

That suit was brought by a co-parcener to recover his share in what he alleged to be the family property in eight villages, of which six are now in question. The answer was in effect that the property was not family property, but was held in trust for the performance of certain services at the pagoda. It was decided that the property was not a family inheritance, but was held by the first defendant in that suit, Vendramuthu Kumarasawmy, in trust as an endowment of the Nallayapper pagoda. The decision appears to have been upon a family question of small interest to the villagers, and I have been unable to divest my mind of a doubt, whether with reference to the object-matter of the suit or to the incidental decision in favour of the pagoda, the judgment can be held to be upon a question of such general interest as to be good evidence against Nallathumbi Bhutter, who was no party to it.

But this question has very little bearing on the determination of these appeals. It has clearly not been proved that Vendramuthu Kumarasawmy held the villages merely as the agent of Nallathumbi Bhutter; and all the proceedings of his time tend to show that Vendramuthu Kumarasawmy held the villages ostensibly as a trustee and not as an agent. And it is incredible that, if Nallathumbi Bhutter was in possession of the copper grant, he would not have produced it when the villages were taken under the Collector's man-

agement in 1838. If Nallathumbi Bhutter had been the person really entitled, he would certainly have objected to the attachment of the villages on account of the mismanagement of an agent removable by himself. It has not been shown by any reliable evidence that the copper grant A had any existence prior to 1854, when it seems to have been produced for the first time; and I think we are right in regarding a document so produced with the utmost suspicion.

It is quite clear from Exhibit V-3 that the Government of Madras, on the 9th December 1858, ordered the villages to be restored to Nallathumbi Bhutter, not as a trustee or manager appointed under Regulation VII of 1817, but as the person whom the Government understood to be rightfully entitled to possession as the heir of the original grantee. The Government and the Board of Revenue acted under the impression that Nallathumbi Bhutter's title had been admitted both by the Civil Courts and by the Revenue authorities. But it now appears that that impression was erroneous. Nallathumbi Bhutter having come into possession only in 1858, and having entirely failed to establish his title, I think the natural presumption must prevail that the endowment belongs to the temple in which the service was to be performed. And Nallathumbi Bhutter never having been appointed a trustee or manager under Regulation VII of 1817, I agree that he has not even a life-interest. The plaintiff, as the trustee of the pagoda, is, therefore, to be placed in immediate possession of the endowment, an account being taken as directed by Mr. Justice Innes.

I think that all the costs should be borne by Nallathumbi Bhutter throughout.

HER MAJESTY'S PRIVY COUNCIL.

[BENGAL CASE.]

Suit to recover timber—Evidence.

A, a timber merchant, sued to recover from B certain logs which he asserted B had forcibly taken from him. B pleaded that he had purchased the logs in question from the Government.

HELD, on the evidence, that *A* had proved his right to the timber; and that being the case, the amount of force used by defendant in taking the timber, which he admitted he did take, was quite immaterial.

Judgment of the Lords of the Judicial Committee of the Privy Council on the appeal of *Dheeta Hurrukman Singh v. Wodoy Chand Pyne and another*, from the High Court of Judicature at Fort William in Bengal, delivered 10th December 1873.

Present.

SIR JAMES W. COLVILLE.

SIR BARNES PEACOCK.

SIR MONTAGUE E. SMITH.

SIR ROBERT P. COLLIER.

SIR LAWRENCE PEEL.

THIS is an action brought for the recovery of damages for the wrongful taking or, as it may be called by English lawyers, conversion of a certain number of logs of timber.

The Principal Sudr Ameen found for the plaintiff. That decision was reversed by the High Court.

In order to make the case intelligible, some facts require to be stated. It appears that the Nepalese Government is in the habit of felling timber in their woods, of sending it to a station called Bhoosee, on or near to their frontier, and of conveying it down the Kam-lah, a stream which communicates with the Ganges, and selling it to timber merchants. Next to Bhoosee is a station called Burraer, and next to that is a station called Chirryamarah. The plaintiff was a merchant in a very large way of business, having extensive establishments in different parts of India. Among other things, he was a timber merchant. His case was, that he bought a large lot of timber, between 3,000 and 4,000 logs, from the Nepalese Government, in the year 1860; that they were sent to Chirryamarah, and that they had there remained in his possession until the time of action brought, with the exception of certain portions of timber, which he accounted for in various ways: some had been sunk and lost, some had been sold at Chirryamarah, and some had been sent down to Calcutta. The residue which he claimed was 1,260 logs, which were at Chirryamarah, and which are alleged by his witnesses to have been his and in his possession; and further, it is alleged that no other person had any timber at that place at that time.

This case of the plaintiff, Dhurun Narain, was supported by his own evidence, and it is not altogether immaterial to observe that the Principal Sudr Ameen expresses himself as satisfied, from the demeanour and conduct of this witness, that he was telling the truth. It was confirmed by his manager, the person who

brings the action in his name, and for him, and by several other witnesses. Among others, there are witnesses who prove that they were resident on the spot; that they were in the habit of acting for him and keeping his books, and they give evidence of the actual contract entered into by the plaintiff with the Nepalese Government, which is dated in September 1860, whereby it appears that he purchased a lot of 3,464 large logs of timber, together with some smaller pieces. These witnesses depose that these timbers came down from Nepal, and the challans are put in, which are the invoices, the documents which would be delivered to the boatmen who carried them down, and the receipts are put in of these various lots, which would be the documents given by the agents of the plaintiff to the boatmen upon the delivery of those lots. So this lot is satisfactorily traced down to Chirryamarah. The amount which actually came down to Chirryamarah was 3,453, or about that. These witnesses also prove that this quantity was diminished in various ways, that a certain number of logs were sunk, that a certain number were sold at Chirryamarah, and a certain number sent down to Calcutta, reducing the amount, not precisely, if the mere oral evidence is relied on, but approximately to that which the plaintiff claims, in fact, to somewhat more than the plaintiff claims.

But the plaintiff's case does not stop there. He puts in his books from 1860 to the time of action brought. They occupy a vast number of pages, and it may be that the printing of them at length was unnecessary. The effect of them would appear to be, to say the least of it, in a great degree confirmatory of the oral evidence. A summary is put in, which perhaps, of itself, would not be distinctly evidence, although it is spoken to by a witness who was cognizant of the transactions of his master, the plaintiff; but on looking through the various columns of this account, their lordships have come to the conclusion that, on the whole, though not precisely in every detail, it does support the case made on the part of the plaintiff by his oral evidence. It further appears that all this timber, according to the plaintiff's statement, had his own mark, a peculiar letter, which is described as a "g" in the Nagre dialect.

Their lordships have to observe that this case of the plaintiff appears to them, assuming the witnesses to be believed, and the document not to be forged, a very clear, and, they may add, a conclusive case.

But now comes the case of the defendant. He also dealt in timber, and his case is in substance this: that one Mookerjee had dealings in timber with the Nepalese Government; that the

persons who acted principally on behalf of the Nepalese Government were, first, a person called Colonel Bukhtawar Sing, and secondly, a person called Lieutenant Gouree Dutt; that Mookerjee had various transactions with these persons; that he had bought a certain quantity of timber, but was unable to pay the necessary deposit, and thereupon they declined to deliver the timber; that he advanced money to Mookerjee and put himself in the place of Mookerjee; and that he arranged with the Nepalese Government for the delivery to him of a certain lot of timber (which may be stated approximately as 1,500 logs), some to be delivered at Chirryamarah, and others at the intermediate station of Burraer. His case is further this: that he received letters from Bukhtawar and Gouree Dutt, the effect of which is that this timber would be delivered to him. He does not say that any special lot of timber which could be ear-marked was agreed upon between them, but that they were under liability, which they themselves acknowledged, to deliver to him 1,500 logs. Three letters have been put in to prove this,—two from Bukhtawar and one from Gouree Dutt,—which the Principal Sudr Ameen regards as not genuine. Without deciding that point, it may be enough for their lordships to say that they do not find them to have been satisfactorily proved. The defendant was not called as a witness for himself as the plaintiff was for himself; nor was his brother,—a co-defendant on the record, who appears to have acted for him a good deal in his business,—called. The writer of the letters, Bukhtawar, was not called, nor Gouree Dutt, on the side of the defendant. Nor was direct evidence given even of the handwriting of those letters. Their lordships, therefore, so far concur with the Principal Sudr Ameen as to hold that these letters have not been satisfactorily proved. But further, the plaintiff says that there was another document, whereby Bukhtawar and Gouree Dutt directed two men, one of the name of Narain Mollah, and the other of the name of Tunga Mollah, who were custodians of the timber at the two stations, Burraer and Chirryamarah, to deliver all the timber at these stations to the defendant. It may be here observed that there does not appear to have been more than one lot at each of the stations. It is not the case of the defendant, "You, the plaintiff, had a certain quantity of timber at the stations and I had another," but "whatever was at the stations," the defendant says, "is mine;" "whatever was at Chirryamarah," the plaintiff says, "is mine." Now, with respect to this direction from Gouree Dutt, which is alleged, the letter containing it is not put in, although several witnesses speak to its contents. Gouree Dutt is not called by the defendants for the purpose of

proving this letter, but Gouree Dutt is called by the plaintiffs, and denies having written any such letter. It is to be observed that Gouree Dutt being in the box, and being called for the plaintiffs, not a word is asked him on cross examination with respect to the letter which he is said to have written to the defendants, nor with respect to the letters, of which he must have been cognizant if they were genuine, written by Bukhtawar to the defendants. The substance of the defendant's case is:—"I bargained with the Nepalese Government for 1,500 logs of timber, and the Nepalese Government directed the delivery to me of this lot of timber amongst others." What timber he took from Burraer station is not material to the present question, the plaintiff only claiming that which lay at Chirryamarah.

Their lordships are of opinion that the defendant has not satisfactorily proved that, in point of fact, Bukhtawar and Gouree Dutt, on behalf of the Nepalese Government, did cause delivery of the timber to be made to him at this station of Chirryamarah. But assuming that they did, if the plaintiff's case be true, they would have no right to do it; the timber was his, and neither Bukhtawar nor Gouree Dutt could deal with it. The defendant's case, therefore, necessarily assumes that the whole of the plaintiff's case is false and fabricated, and the counsel for the defendants have not shrunk from that issue. Their suggestion is, that after the order to deliver this timber to the defendant, and after his taking it away, a dispute arose between him and the Nepalese authorities, with reference apparently to a very small matter, the amount to be paid for its carriage from some point to some other point, and that, in consequence of this dispute, Bukhtawar and Gouree Dutt caused this false action to be brought; that they put up the plaintiff to make an entirely false claim, and that the plaintiff lent himself to their views. It is very easy to suggest, but not so easy to prove such a case as this, against which there are strong probabilities. No sufficient motive can be suggested why the plaintiff, a man of considerable wealth and position, and apparent respectability, should lend himself to so gross a fraud. There is nothing upon the face of the documents which have been put in to show that they are forged, as the case of the defendants must assume them to be; and there is nothing, as far as their lordships are able to see, to impeach the oral evidence of the plaintiff. It may be observed that there are many strong probabilities against this supposed fraud and conspiracy. Among them may be mentioned, this:—The quarrel took place after the timber had been carried away by the defendant; according to the defendant's case, that timber all belonged to Bukhtawar and not a stick of it to the plaintiff. If so, how came the plain-

tiff's mark upon it? That is a difficulty which the defendant has not attempted to meet. It appears to their lordships that no sufficient ground has been shown for the imputation (which is a necessary part of the defendant's case) that the case of the plaintiff has been altogether fraudulent and got up; on the contrary, as far as their lordships are able to judge, they agree with the Principal Sudr Ameen in regarding that case as true and very clearly proved.

That being so, their lordships are of opinion that the judgment of the Principal Sudr Ameen was right, though it is not necessary for them to concur in every observation which he made.

But their lordships cannot help making one or two observations upon the judgment of the High Court.

Their lordships regret that they are unable wholly to understand that judgment, which appears to have been given under some misapprehension both of the questions to be tried and of the effect of the evidence. The High Court observed, "We may set aside the evidence of witnesses No. 1 and 10 altogether, for they do not, to any personal knowledge, know of the forcibly taking of the timber in question."

The witnesses No. 1 and 10, respectively, are Bindoo Lal Deeta and Major Nowan Sing, the two most material witnesses for the plaintiff, who prove, in substance, this:—that the timber in question was bought on behalf of the plaintiff; that it was brought down from Nepal; that portions of it were disposed of, and that what remains was in the possession of the plaintiff; witnesses whose evidence alone, if uncontradicted, would have proved a conclusive case for the plaintiffs. Their lordships are not able to understand the grounds on which the High Court dismisses this evidence as undeserving of consideration. The reason given by the High Court is, that they do not depose to the forcible taking away of any of the timber in question. This reason appears to their lordships to be based on a misapprehension, for if they prove that this timber was the property of the plaintiff, and, further, that it was in his possession, then there is no question whatever that the defendant took it away. He admits that he took it away, alleging that he had a right to do so; and whether he took it away with more or less force, is quite immaterial to the present action. The High Court, after making some further remarks on the evidence, proceed to observe:—"The first thing that strikes us on reading and considering this evidence is, that if the plunder lasted for the number of days stated by the witnesses for the prosecution, the steps taken by the party in charge of the timber, and by the Nepalese authorities, were wholly inadequate. The

"plaint, too, shows that the first attempt to carry off the timber was made on the 31st May 1864;" and then they go on to say:—"Before this Court can give a decree for the large sum claimed by the plaintiff, on the allegation that the timbers were forcibly carried off by the defendants, we must be thoroughly satisfied, not only by the evidence, but by the probabilities of the case, that the defendants did carry off, as alleged, the timber in question."

There appear, indeed, to have been some proceedings in the Criminal Court relating to the alleged forcible taking off of these goods, to which allusion has not been made, because they appear to their lordships immaterial to the present inquiry. The only possible bearing they can have upon it is to suggest the inference, that if the plaintiffs were really in possession of the goods, they would not have submitted to their being forcibly taken away; that is an inference which might possibly be suggested, but which by no means outweighs the very positive and clear evidence which has been given of the possession by the plaintiffs.

The High Court go on further to say: "We might stop here and, without going into the defendant's case, holding as we do that the plaintiff has failed to prove the case put by him, have dismissed his case without further comment." Their lordships are quite unable to concur in this view, for it appears to them that, taking the plaintiff's evidence to be true (which they see no sufficient reason to doubt), his case is not one which could be dismissed, but one which is conclusively established. The High Court further observe, "Taking therefore the case as the plaintiff himself puts it, we are of opinion that he has wholly failed to prove the forcible taking of the 1,260 logs of wood by the defendants." Their lordships have only to repeat that this last is an immaterial issue. Supposing he had proved his property in, and possession of, the goods, the amount of force used by the defendant in removing them (which he admits himself to have done) was quite immaterial. To that question the Court appears to have devoted a good deal of consideration, but their lordships are unable to find in the course of the judgment that the Court have distinctly determined the real question in the cause, namely, whether the plaintiff had proved a case of property and possession of the goods, and if so, whether the defendant had displaced it by showing a better title in himself.

Under these circumstances their lordships will humbly advise Her Majesty that the decree of the High Court be reversed; that the judgment of the Principal Sudr Ameen be affirmed; and that the appellants have the costs below and of this appeal.

CIRCULAR ORDERS OF THE BOARD OF REVENUE.

No. VI.

STANDING No. 399-15.

STAMP GUMASTAHS TO BE ADMITTED TO BENEFITS OF UNCOVENANTED PENSION RULES.

Proceedings of the Board of Revenue, dated 7th February 1874, No. 244.

G. Os., dated 20th October 1873, No. 542, and 18th January 1874, No. 13. "STAMP Gumastahs" are to be admitted to the benefits of the Uncovenanted Pension Rules.

No. VII.

STANDING No. 173-5.

RELINQUISHMENTS OF INAM LANDS—PROPORTION OF QUIT-RENT—EXCESS.

Proceedings of the Board of Revenue, dated 9th February 1874, No. 259.

IN supersession of paragraph 2 of the Board's Standing Order No. 173-1, Collectors are informed that they may permit partial relinquishments by inamdars of their inams even when the portion relinquished is less than a revenue field, provided the fraction given up in the revenue number is not less than one acre, and provided, also, that the part relinquished is in one block and not surrounded by the inam land retained. When entire revenue fields are given up, the relinquishments may be accepted without reference to the above restriction of one acre, but they should be rejected if the lands given up are so situated that they are surrounded by the inam lands retained, and cannot be conveniently taken by others for cultivation.

2. The quit-rent on the portion relinquished should bear the same proportion to its assessment as the entire quit-rent does to the assessment of the entire inam; but an exception should be made when a charge has been made on the inam on account of excess subsequent to the inam settlement under the Board's Standing Order No. 173. In this case, the portion relinquished, or so much of it as bears an assessment equal to the charge made on account of excess, should be treated as the excess relinquished and the quit-rent apportioned on the remainder, if any, as indicated above. For instance, if in an inam, assessed at 20 Rupees, and bearing a quit-rent of Rupees 12, consisting of 8 Rupees of quit-rent

proper and 4 Rupees charged on account of excess, land assessed at 6 Rupees is given up, the quit-rent on the inam retained should be reduced to Rupees 7 as shown below :—

	Assessment.	Quit-rent.
	RS.	RS. A. P.
Original inam	16	8 0 0
Charge on account of excess	4	4 0 0
Total ...	20	12 0 0
Land given up—excess..	4	4 0 0
Inam	2	1 0 0
Total ...	6	5 0 0
Inam retained	14	7 0 0

No. VIII.

STANDING No. 283-2.

INSPECTION OF TALUK TREASURIES BY TREASURY DEPUTY COLLECTORS.

Proceedings of the Board of Revenue, dated 11th February 1874, No. 284.

THE Board having observed from the reports of the financial officers, deputed by the Accountant-General, from time to time, to examine district treasuries, that mistakes are frequently committed in the taluk treasury accounts, which the Treasury Deputy Collectors have no means

G. O., dated 25th November 1873, No. 1,295.

of finding out, they resolve, with the permission of Government, to request Collectors to depute their Treasury Deputies occasionally for the examination of taluk treasuries and the accounts connected therewith, making temporary arrangements for the charge of the Huzur treasury during their absence.

2. It is not necessary that every taluk treasury should be inspected every year; but not less than half the number of the treasuries should be inspected annually, and the inspections should always be made without notice. Each treasury should be inspected at least once in two years.

3. The number of the treasuries inspected and the general state in which the accounts are found should be stated in the Land-revenue Settlement report every year.

4. The Deputy Collectors should also, during their stay at the taluk head quarters, send for as many curnums as possible with their original accounts, and see whether the accounts relating to the collections of revenue are kept according to rules.

No. IX.

STANDING No. 137-3.

POWER OF COLLECTORS TO TEMPORARILY ALTER ASSESSMENT.

Proceedings of the Board of Revenue, dated 17th February 1874, No. 348.

THE following addition should be made to Circular Order No. XVII of 1873.—In any cases where the highest “dry” rate may exceed the assessment of the wet land thus cultivated with dry crops, the Collector may, at his discretion, temporarily affix the rate of the dry land adjoining or the rate charged on dry lands of similar quality.

2. In districts newly settled, the “dry” rate, corresponding to the particular “class” and “sort” which the land bears as “wet,” should invariably be affixed; the respective “dry” and “wet” grouping being, of course, maintained.

OFFICIAL PAPERS.

RULES—LAND IMPROVEMENT ACT.

Revenue Department, Ootacamund, 11th June 1873.

Rules made by the Governor of Madras in Council with the previous sanction of the Governor-General in Council under the Land Improvement Act, 1871, Section 18.

ADVANCES of Rupees 100 and upwards under these rules may be made from such sums as the Governor-General in Council may, from time to time, allot to the local Government, or as may be otherwise at its disposal, for the purpose of such advances.

II.—Applications for advances under the Act shall be made in writing, and shall be on stamped paper of the value of eight Annas. They shall

be presented to the Collector, or to any officer authorized by the local Government to receive such applications.

III.—Applications shall be presented in open Court by the applicant in person, or by some person duly authorized by him in this behalf. Each application shall be signed by the person presenting it, and shall be attested by two witnesses in the presence of the officer to whom it is presented.

IV.—The application shall state—

- 1st, the name of the applicant, his profession, parentage, tribe or caste, and residence;
- 2nd, the amount of the advance applied for, and whether the applicant proposes to supplement it by any private capital, and, if so, to what extent;
- 3rd, the nature and description of the work for which the advance is required;
- 4th, the estimated total cost of the proposed work, and the probable period that will be occupied in its construction;
- 5th, the village and local revenue sub-division in which the land to be benefited is situated, the position, character, and area of such land, and, should it consist, in part or wholly, of numbered and measured fields or plots, the numbers of the same;
- 6th, the advantages, pecuniary or other, expected to result from the work;
- 7th, the manner and extent to which the proposed work will affect (favourably or injuriously) adjoining or other lands;
- 8th, the nature and extent of the applicant's rights or interests in the land to be benefited, or in any other land offered as security for the repayment of the advance, and whether there are any, and if so what, incumbrances on such rights and interests;
- 9th, the amount and number of the instalments by which the advance is to be repaid, principal and interest, and the dates on which these instalments are to be paid; and
- 10th, the security tendered for the repayment of the advance.

V.—When the amount of the advance exceeds Rupees 500, the application shall be accompanied by a rough plan and estimate of the proposed work; and, where it exceeds Rupees

5,000, by an accurate plan, specification, and estimate.

VI.—If the applicant is unable to furnish such plans, estimates, or specifications, the Collector may cause them to be prepared on behalf of the applicant. Before ordering such preparation, the Collector may, if he thinks fit, require the applicant to deposit such sum of money as may, in the opinion of the Collector, be sufficient to cover the cost, or he may call on the applicant to give security for the repayment of the same.

VII.—When a written application is found to have omitted any of the particulars required by Rule VI., the officer receiving it may either return it to the applicant for correction, or record on it the information that is wanting from the applicant's verbal statements. In either case, such addition to the application must be signed and attested as required by Rule III.

VIII.—If the Collector considers that there is *prima facie* reason to believe that the application should be granted, he shall cause it to be entered in the register of applications, and shall order a local inquiry to be made. If he is of opinion that the application should not be granted, he shall reject it.

IX.—There shall be a local inquiry in every case. Where the advance exceeds Rupees 250, such inquiries shall be conducted by the chief revenue officer of the district, or by any of his subordinates of not lower grade than a Tahsildar, or similar official, to whom he may entrust the duty. The officer charged with making the local inquiry shall, at least one week prior to the date on which he proposes to hold the same, post up in one or more conspicuous places in the village in which the land to be benefited by the proposed work is situated a notice setting forth briefly the nature of the advance applied for, and the date on which he proposes to hold an inquiry on the spot as to the correctness of the facts alleged in the application. The person charged with posting such notice shall read it, or cause it to be read publicly to such of the principal inhabitants of the village as may be present, and shall, on a copy of the notice (which he shall subsequently return to the officer issuing the notice), obtain the signatures of the village headmen, accountant, policemen, or other local officials, or respectable inhabitants, in acknowledgment of its having been publicly read. In all cases where the proposed advance does not exceed Rupees 250, the local inquiry shall be conducted by such persons and according to such rules as the local Government may, from time to time, prescribe.

X.—No fees shall be charged for the service of this or any other notice where the proposed

advance does not exceed Rupees 500. Where the advance exceeds Rupees 5,000, the service of any notice may be charged for at a rate not exceeding that required for the service of civil process; and where the advance falls between these limits, it shall not exceed half this latter rate.

XI.—Prior to the local inquiry, the Collector shall cause to be tested, by comparison with his official records, all statements in the application which can be so tested, and cause to be stated in writing the extent to which such records agree with, or differ from, the application; and any such difference shall be specially investigated at the local inquiry.

XII.—On the day fixed by the notice, or, should the day first fixed be unavoidably postponed, on that fixed by some subsequent notice, the officer charged with the duty shall proceed to the spot, and, after assembling the parties more immediately concerned, any local officials, and some of the respectable agriculturists of the place, he shall proceed to examine the site of the proposed work, he shall test the accuracy of each of the statements set forth in the application, and shall ascertain and record everything that may be necessary to enable the Collector to arrive at a correct decision.

XIII.—The officer charged with the conduct of the local inquiry may summon at the cost of the applicant any person whose evidence may be considered necessary, and whose attendance cannot otherwise be secured, and may exercise such powers as Revenue Courts possess for the purpose of summoning witnesses. A record shall be made by such officer of all objections made to the proposed work or advance, and of all evidence bearing on such objections.

XIV.—On the completion of the inquiry, the officer by whom it was made shall forward to the Collector the whole of the papers connected herewith, together with his own opinion and recommendation.

XV.—On receipt of the papers, the Collector may, in any case, and when the proposed advance exceeds Rupees 5,000 shall, obtain from the proper officer in the Madras Department of Public Works, in such manner as the local Government may direct, an opinion as to the feasibility, probable cost, and merits generally, from a professional point of view, of the proposed work.

XVI.—If, on a review of results of the local inquiry and of the professional opinions, if any, that have been obtained, and after such further investigation as he may consider necessary, the Collector is not satisfied that the advance is desirable, and that it can be made under the Act and these Rules, he shall reject the application, recording his reasons for the same.

XVII.—If the Collector is satisfied that the advance may properly be made, he shall grant a certificate for the advance applied for, or for such smaller sum as he may consider sufficient for the purpose specified in the application, or shall report the case for the orders of higher authority in accordance with the provisions of the next following rule.

XVIII.—If sufficient sums have been placed at the disposal of the Collector for the purpose, he may grant such certificate for an advance not exceeding Rupees 500. The Board of Revenue may, subject to the same condition, grant such Certificates for an advance not exceeding Rupees 5,000, but not exceeding Rupees 10,000, will require the sanction of the local Government. If the proposed advance exceed Rupees 10,000, the previous sanction of the Governor-General in Council will be required.

XIX.—When a certificate is granted, it shall be endorsed by the applicant to the effect that he has understood and agreed to all the terms, and it shall be signed by him before, and be attested by, two witnesses. If any property, other than property of the applicant, is pledged or mortgaged as security for repayment of the advance, the certificate shall be similarly endorsed, signed, and attested by the sureties and witnesses; and if the applicant is a tenant, without transferable interest in the land to be benefited, the certificate shall be signed by his landlord and attested by two witnesses other than the landlord.

In all cases in which land or property other than the land to be benefited is hypothecated as security for the repayment of the advance, the certificate must bear the stamp required for mortgages under the Stamp Act for the time being in force, and must, in all cases in which, if the transaction were a private one, registration would be requisite, be registered under the Registration Law at the time in force.

XX.—The certificate shall be retained in the office of the Collector; one copy shall be given to the applicant; and when advances are made payable at any tahsil or other subordinate district treasury, a copy of such certificate shall be sent to such treasury. All certificates issued in any financial year shall bear a serial number.

XXI.—No advance shall be made for an improvement which is likely, so far as can be ascertained, to injure the property of any parties who have not consented to its execution.

XXII.—No project shall be divided. After an advance has been sanctioned, and the whole or part thereof expended, a second advance for the same work shall not be made without the sanction of the local Government.

XXIII.—No advance shall be made, unless the value of the security accepted exceeds by at least one-fourth the amount of the advance.

XXIV.—Subject to the orders of the local Government, the Collector shall make provision for the proper inspection of works in course of construction for which advances have been made, and for ascertaining and securing that such advances are duly applied to the purpose for which they were made.

XXV.—The works and any accounts kept thereat shall be at all times open to the inspection of the Collector or other person authorized by him in that behalf.

XXVI.—In the case of advances exceeding Rupees 5,000, accounts shall be kept by the recipient of the advance in any form that the Collector may, with the sanction of superior authority, from time to time, prescribe.

XXVII.—If at any time the Collector is satisfied that any person who has received an advance has failed to perform any of the conditions under which it was made, the Collector may, after recording in writing the grounds for the decision he has arrived at, and subject to the control of the Board of Revenue, proceed to recover from such person, or from any security for such person under the provisions of the Act, any sums which remain due, together with any interest payable thereon.

XXVIII.—All works for which advances are made in a lump sum shall be inspected and reported on within one month of the date on which their completion was directed in the certificate. All works for which advances are made by instalments shall be inspected and reported on before each instalment subsequent to the first is paid, and such inspection shall take place at latest within one month of the date when such instalment is payable.

XXIX.—Except with the special sanction of the local Government, no advance of any sum not exceeding Rupees 500 shall be made, unless it be repayable with interest within seven years from the date fixed for the completion of the work; and no advance exceeding Rupees 500 shall be made, without such sanction, unless it be so repayable within twelve years. If, in any case, the proposed period of repayment exceeds twenty years, the sanction of the Government of India to the proposed advance must be obtained.

XXX.—The interest charged on advances shall for the present be one Anna per annum on the Rupee, or $6\frac{1}{4}$ per cent per annum.

By order of the Right Honourable the Governor in Council.

R. A. DALYELL,

Acting Secretary to Government.

GRANTS-IN-AID TO AGRI-HORTICULTURAL SOCIETIES.

Proceedings of the Madras Government, Revenue Department, 12th January 1874.

Read the following Extract from the Proceedings of the Government of India, in the Department of Agriculture, Revenue, and Commerce, dated Calcutta, the 18th December 1873, Nos. 9—621-626:—

[*Agriculture and Horticulture.*]

Read—

Circular No. 156—160, from the Government of India to the Governments of Madras, Bombay, and the Punjab, and the Chief Commissioners of the Central Provinces and British Burmah, dated the 15th May 1873, asking for a succinct account of the operations of the Agricultural Societies in those provinces during the past five years, showing clearly what benefits the societies have conferred on the agriculturists of the provinces, or on the general public, and what grounds exist for the continuance of the present grants from Imperial funds.

Replies from—

Madras, No. 1,176, dated 25th October 1873.

Bombay, No. 2,567-104-G., dated 22nd July 1873.

Punjab, No. 1,145-F., dated 30th July 1873.

Central Provinces, No. 2,097-86-A., dated 1st July 1873.

British Burmah, No. 972-149, dated 28th October 1873.

Observations.

His Excellency the Governor-General in Council observes that the Agricultural and Horticultural Societies in the several provinces enumerated above receive the following annual sums from Imperial revenues as grants-in-aid of their operations:—

	RS.
Madras	3,900
Bombay	3,000
Punjab	5,400
Central Provinces	1,200
British Burmah	1,200

The Bombay Society is stated to be defunct, and its garden has been taken over by the municipality of Bombay, who have been allowed to appropriate allotment for the current year, after which it will be discontinued.

From a perusal of the reports submitted by the other Governments and Administrations, His Excellency in Council is of opinion that the grants at present made to these societies may properly be continued, and that the

action of the societies has been upon the whole useful to the communities among which they have been established. His Excellency in Council, however, desires that the expenditure of the Government grant may be carefully supervised by the local authorities, and it may be borne in mind that the operations of the societies should be directed rather to the advancement of agriculture and horticulture among the native population, and the introduction and naturalization of species and staples of general utility, than (as in some instances appears to have been too much the case) to the embellishment of the station where the society's garden is, and the supply of fruits and vegetables, flowers and seeds, to the European subscribers. At the same time the Government of India does not wish that the latter object should be altogether neglected: for while the degree to which the society subserves the general interests of the community at large forms its only title to assistance from Imperial revenues, the efficiency of its working and its continued progress are probably more likely to be secured by the support afforded to it and the interest taken in it by Europeans, than if it were devoted entirely to the supply of the wants of natives of India.

His Excellency in Council desires to be furnished at the end of five years with a report showing how far these objects have been carried out in each province for which a grant is made, and how far the continuance of the grant is justified by the results attained.

Order.—Ordered that this resolution be communicated to the Governments of Madras and the Punjab, and to the Chief Commissioners of the Central Provinces and British Burmah for information and guidance, and to the Government of Bombay, with the remark that the Bombay Agri-Horticultural Society being now defunct, His Excellency the Governor-General in Council concurs with His Excellency the Governor that the allowance made to the Society may be discontinued from the close of the present year.

Also that a copy be sent to the Financial Department in continuation of Office Memorandum No. 19, dated 11th February 1873.

(True Extract.)

(Signed) A. O. HUME,
Secy. to the Govt. of India.

Order thereon, 12th January 1874, No. 43.

Communicated to the Committee of the Agri-Horticultural Society with reference to G. O., 25th October 1873, No. 1,175.

(True Extract.)

(Signed) D. F. CARMICHAEL,
Secretary to Government.

MISCELLANEOUS.

THE DROUGHT IN BENGAL—THE SPIRIT IN WHICH TO MEET IT.

THE failure of the rains in Behar and the Lower Provinces threatens to involve the Government once more in the embarrassments, and the people in the horrors of famine; and a timely notice of the subject recalling the errors which hitherto have marked our treatment of these calamities cannot be out of place in these columns. In the first place then, we have generally mistaken the nature of Indian famines. In Orissa there was a real insufficiency of food in the Province, when we had once allowed its ports to be closed by the monsoon; and no power on earth could save them after that. In Rajpootana again, the other day [1869-70], it was not food that first failed the people, but *water*; and in the earlier stages of the famine they died of thirst rather than of hunger. In general, however, it is the actual want neither of food nor of water that is the distinguishing feature of Indian famines, but the want of *work*. The failure of the rainfall reduces the whole class of agricultural labourers in the district to a condition of enforced idleness. The earth is iron and there is no work for the labourer, at the very moment when prices are at famine range. Now, if famine is coming upon us in Bengal, it will in all human likelihood be a famine of this order. The food reserves in the Provinces are probably extensive enough for the people's real wants, but they will reach famine prices; and the question is—how to make them available for men who have no money to buy, and no work by which they might earn the money to buy. We have never hesitated in the judgment we have expressed as to the duty of the State in such emergencies. A people dying of starvation in the actual presence of food, is one of those horrible anomalies which a weak, hide-bound Government may tolerate, but no other. If the food reserves are *there*, the people can and must be fed, let the cost be what it may. And here we come across the most patent and the most unworthy of our errors. Until within the last two or three years, we have ever met these calamities in the wrong spirit. We have looked at them persistently as involving the loss of so much revenue, so much money, instead of fixing our regard upon the saving of the people's lives, with an unwavering resolution that let the cost be what it may, the people shall not die. There is nothing more cruel in civilization than the spectacle of a powerful Government in time of famine weighing its revenues against the lives of its subjects, and allowing the latter to kick the beam. And that is what we have ever done in India in the presence of famine until within the last two

or three years, during which our passionate remonstrances upon the subject have been bearing fruit. If food is in the country, and the people are allowed to die of starvation in its presence, the entire executive administration that suffers them so to die deserves impeachment. Does not every one see that in presence of such a calamity, all so-called "rights of property" are from the nature of the case in abeyance, and that the State is bound to take from the well-to-do whatever may be necessary to save the people alive? And it is in this spirit only that famine can be successfully encountered. The difficulty of the "distribution" of the food remains; and it is all but overwhelming. The timely opening of public works for the employment of the able-bodied, and of local committees for the maintenance of the infirm and aged, with judicious regulations for compelling the people to stay in their villages, or to remove to appointed centres, when the district food reserves are insufficient, seem to be the only measures we can adopt. If there is an actual deficiency of food in the province, it may be beyond even the power of the State to save the people. For you cannot carry food, because of its enormous bulk, upon any scale in a country like India without railways, canals, and even common roads; indeed in no country, let their communications be as perfect as they may. The very earliest point to determine therefore with reasonable certainty, is the extent of the food reserves in the afflicted districts: for if they are insufficient, the people must migrate. There is no help for it. The food cannot be carried to them; and they must go to the food. In Rajpootana, the people did not attempt to migrate until they were starving, and then they had to march through a tract exhausted beforehand. The result was that they perished by the road-side in tens of thousands. We have yet to see a famine in India met and fairly surmounted by resolute governmental action; and we shall see it, when the conditions of success are once clearly understood, unless it should come upon a scale very different from any that has yet befallen us. There has been no famine in our time—1847—1873—that might not have been successfully encountered by the State. But success is impossible, if the lives of the people are to be weighed against the cost of saving them. There should be but one rule of conduct in such emergencies; and at the head of every Circular Order that leaves the Government, there should stand—*The State will condone all mistakes but that of letting the people die.*—V, *Indian Economist*, October 1873, p. 57.

ACT OF THE GOVERNMENT OF INDIA.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 7th August 1873, and is hereby promulgated for general information:—

Act No. XII of 1873.

An Act for the Repeal of certain obsolete Enactments.

Whereas it is expedient that the enactments mentioned in the schedule to this Act, which have ceased to be in force otherwise than by express and specific repeal, or have by lapse of time and change of circumstances become unnecessary, or which merely repeal prior enactments, should be expressly and specifically repealed; it is hereby enacted as follows:—

1. The enactments described in the schedule to this Act are hereby repealed to the extent mentioned in the third column of the same schedule:

Provided that the repeal by this Act of any enactment shall not affect any Statute, Act, or Regulation in which such enactment has been applied, incorporated, or referred to:

And this Act shall not affect the validity or invalidity of anything already done or suffered, or any indemnity already granted, or any right or title already acquired or accrued, or any remedy or proceeding in respect thereof, or the proof of any past act or thing.

Nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office, or appointment, notwithstanding that the same respectively may have been in any manner affirmed, recognized, or derived, by, in, or from any enactment hereby repealed:

Nor shall this Act provide or restore any jurisdiction, office, custom, privilege, restriction, exemption, usage, or practice not now existing or in force.

2. This Act may be cited as "The Repealing Act, 1873;" and it shall come into force on the passing thereof.

Short title.

Commencement.

SCHEDULE.

PART I.—STATUTES.

Year and Chapter.	Subject, Title, or abbreviated Title.	Extent of Repeal.
7 Jac. I, Cap. 5*...	Suits against Justices of the Peace and other Officers.	The whole Act, so far as it applies to British India.
21 Jac. I, Cap. 12...	Making perpetual 7 Jac. I, Cap. 5.	Do. do. do.
29 Car. II, Cap. 3...	An Act for prevention of Frauds and Perjuries.	Sections 13, 14, 15, 16, 17, 22, 23, and 24, so far as they apply to British India.†
8 and 9 Wm. III, Cap. 11.	An Act for the better preventing frivolous and vexatious suits.	The whole Act, so far as it applies to British India.
24 Geo. II, Cap. 44.	An Act for the rendering Justices of the Peace more safe in the Execution of their Office, &c.	Do. do. do.
33 Geo. III, Cap. 52.	An Act for continuing in the East India Company for a further Term, the Possession, &c.	Section 28.
42 Geo. III, Cap. 85.	An Act for the trying and punishing in Great Britain Persons holding public employment, for Offences committed abroad, &c.	Section 6, so far as it relates to suits in British India.
53 Geo. III, Cap. 153.	An Act for continuing in the East India Company, for a further Term, the Possession, &c.	Sections 97 and 121, and Section 123, so far as it relates to suits in British India.
2 and 3 Vic., Cap. 34.	An Act to confirm certain Rules and Orders of the Supreme Courts of Judicature at Fort William and Madras, &c.	The whole.
3 and 4 Vic., Cap. 37.	An Act to consolidate and amend the laws for punishing Mutiny, &c.	Sections 43 to 47 (both inclusive).

PART II.—ACTS OF THE GOVERNOR-GENERAL IN COUNCIL.

No. and Year.	Subject, Title, or abbreviated Title.	Extent of Repeal.
VIII of 1836...	Bengal—Personal disabilities and privileges.	So much as has not been repealed.
XXII of 1836...	Eastern Canal Tolls	The whole.
XXV of 1836...	Warehousing ports	So much as has not been repealed.
XVI of 1837...	Custom-house	Do. do. do.
XXV of 1837...	Bengal Judiciary system	Do. do. do.
XXXII of 1838...	Bengal—Justices of the Peace	Do. do. do.
VII of 1839...	Madras Tahsildars	The first ten words of Section 2.
I of 1841...	Puttidari estates	The whole Act, so far as it applies, or is applicable, to the territories subject to the Lieutenant-Governor of the Punjab.

* Entitled as of the 7th and 8th Jac. I, in *The Statutes: Revised Edition*, London, 1870.† The reference is to the sections as printed in *The Statutes: Revised Edition*, London, 1870.

PART II.—ACTS OF THE GOVERNOR-GENERAL IN COUNCIL—(Continued.)

No. and Year.	Subject, Title, or abbreviated Title.	Extent of Repeal.
XIII of 1841...	An Act for explaining the provisions of Act No. XXV of 1836.	So much as has not been repealed.
XVII of 1841...	Appeals in Sudr Courts (Bengal).	Do. do. do.
XXIX of 1841...	An Act for amending such parts of the Bengal and Madras Codes as concern the Dismissal of Suits and Appeals for neglecting to proceed in the same.	The whole.
VI of 1843...	Jurisdiction and Procedure of the Courts of Ameens and Munsiffs.	Do.
VII of 1843...	Madras Courts	Sections 26, 44, and 47.
XV of 1843...	Uncovenanted Deputy Magistrates.	So much as has not been repealed.
XXV of 1843...	An Act for making the provisions of 5 & 6 Vic., Cap. 47, Section 11, applicable to India	Do. do. do.
IX of 1844...	Suits in the Courts of Principal Sudr Ameens and Sudr Ameens.	Do. do. do.
I of 1845...	Sales of land for arrears of revenue.	The whole Act, so far as it applies to the territories subject to the Lieutenant-Governor of the Punjaub.
III of 1845...	An Act vesting Courts of Appeal with the discretion to require or dispense with Security for Costs from the Appellant.	The whole.
XIV of 1845...	Munsiffs (Bengal Presidency) ...	Do.
XVI of 1845...	Re-admission of Appeals after Dismissal under Act XXIX of 1841.	Do.
XVII of 1845...	Enforcement of the Attendance of Witnesses in the Courts of the Munsiffs within the Presidency of Fort William	Do.
XIX of 1845...	Assam Tea Company	Do.
IV of 1846...	Sale of Land in Execution of Decrees in the territories subject to the Presidency of Fort William.	Do.
XVII of 1847...	An Act for remedying a Defect in the Law regarding undiscovered Defaults in the Prosecution of Suits.	Do.
VII of 1848...	Customs Duties	So much as has not been repealed.
XIII of 1849...	An Act to prevent the smuggling of Salt into Calcutta	The whole.

PART II.—ACTS OF THE GOVERNOR-GENERAL IN COUNCIL—(Continued.)

No. and Year.	Subject, Title, or abbreviated Title.	Extent of Repeal.
VIII of 1850...	Confirmation of decisions on certain appeals.	The whole.
X of 1850...	Aden	Do.
XV of 1850...	An Act to extend the operation of Sections 10 and 12, Regulation XXVI, 1814, of the Bengal Code.	Do.
XXXI of 1850...	Bombay Salt Revenue	Sections 1 and 2.
XXI of 1852...	Bombay Deputy Collectors	Section 2.
XXVI of 1852...	Procedure in the Courts of the Sudr Ameens and Munsiffs in the Presidency of Fort William.	The whole.
XXIX of 1852...	Circuits of Judicial Commissioners (Bombay).	So much as has not been repealed.
VI of 1853...	Summary Suits (Bengal)	Section 9.
X of 1853...	Amending Act XXII of 1836	The whole.
XV of 1853...	Procedure in cases of regular Appeals to the Sudr Courts in the Presidency of Fort William in Bengal.	Do.
XVI of 1853...	Special Appeals	Do.
IX of 1854...	Appeals in the Civil Courts of the East India Company.	Do.
X of 1855...	Evidence	Section 9.
XXIX of 1855...	Customs	So much as has not been repealed.
XI of 1856...	Desertion	In Sections 2, 5, 6, and 7 the words "Joint Magistrate."
XII of 1856...	An Act to amend the Law respecting the employment of Ameens by the Civil Courts in the Presidency of Fort William.	In Section 3 the words "with the sanction of the Court of Sudr Dewanny Udalut," and in Section 5 the first nineteen words, and in Section 10 the words "under such general directions as may from time to time be prescribed by the Sudr Court."
VII of 1857...	Uncovenanted Agency	The whole Act, so far as it relates to Deputy Magistrates.
VI of 1859...	Ahmadabad Magistracy	The whole.
XV of 1860...	Calcutta Canal	Do.
XVIII of 1863...	High Court, Fort William	So much of the title and preamble as relates to oaths.
XXIII of 1865...	Punjab Chief Court	The whole.
IV of 1869...	Divorce	In Section 58 the words "United" and "and Ireland," and in Section 59 the word "United."
X of 1869...	Police Superannuation Funds	The whole.
IX of 1870...	Elphinstone Land Company	Do.
XI of 1870...	Weights and Measures	Do.
XII of 1870...	Native Passenger Ships	Section 3, down to and including the words "repealed; and."
XIV of 1870...	The Repealing Act, 1870	The whole.
XXIII of 1870...	Coinage	Section 2 and the schedule.
XXV of 1870...	Timber duties, Burma	The whole.
XXVI of 1870...	Prisons	Section 2 and the schedule.
XXVIII of 1870...	Commitments from Andamans	Section 2.

PART II.—ACTS OF THE GOVERNOR-GENERAL IN COUNCIL—(Concluded)

No. and Year.	Subject, Title, or abbreviated Title.	Extent of Repeal.
IV of 1871...	Coroners	Section 2 and the first schedule.
V of 1871...	Prisoners	Section 2 and the schedule.
VI of 1871...	Bengal Civil Courts	Sections 2 and 23 and the schedule.
IX of 1871...	Limitation	Section 2 and the first schedule.
X of 1871...	Excise	Section 2 and the schedule.
XIII of 1871...	Tariff	Section 9 and Schedule C.
XX of 1871...	Punjaub Local Rates	Section 1, from and including "inclusive" down to and including "Acts."
XXVI of 1871...	Land Improvement Act	Section 2 and the schedule.
XXIX of 1871...	Bengal Regulations Repeal	The whole.
XXXIII of 1871...	Panjaub Land Revenue	Section 63 and the second paragraph of Section 67.
XI of 1872...	Foreign Jurisdiction and Extradition.	Section 2 and the first schedule.
XVII of 1872...	Postponement of Act X of 1872...	The whole.
XXIV of 1872...	Repealing Bombay Regulation XIII of 1827, Sec. 34, Clause 9.	Do.
III of 1873...	An Act to consolidate and amend the law relating to the Civil Courts of the Madras Presidency subordinate to the High Court.	Section 2 and the schedule.
IV of 1873...	Municipal Committees in the Punjaub	In Section 2 the first paragraph, and in second paragraph the words "But" and "the said."
V of 1873...	Government Savings' Bank	Section 2.
VIII of 1873...	Irrigation, Navigation, and Drainage in Northern India.	Section 2 and the schedule.
IX of 1873...	Appeals and Reviews of Judgment in the Punjaub	Section 2.
X of 1873...	Oaths	Section 2 and the schedule.

PART III.—ACTS OF THE GOVERNOR OF FORT ST. GEORGE IN COUNCIL.

No. and Year.	Subject, Title, or abbreviated Title.	Extent of Repeal.
V of 1863...	Madras Pier	Section 17.
VI of 1863...	Schools	Section 28.
I of 1864...	Ports	Sections 1 and 6.
II of 1864...	Arrears of Revenue	Sections 65 and 66.
III of 1864...	Abkari	Section 34.
VI of 1865...	Seals	Section 2 and the first eight words of Section 1.
VIII of 1865...	Recovery of rent	Sections 89 and 90.
VI of 1867...	Land Revenue (Madras Town)	Section 2.
VII of 1867...	Port dues	Section 1, and the first twenty-three words of Section 15.
IX of 1867...	Madras Municipality	Section 1.
I of 1868...	Neilgherry Hills Commissioner	Section 13, and the first twenty-four words of Section 1.
II of 1869...	Repealing Act	The whole.
V of 1869...	Jails	Section 1.
V of 1871...	Amending Madras Act IX of 1867.	Section 4.

PART IV.—ACTS OF THE GOVERNOR OF BOMBAY IN COUNCIL.

No. and Year.	Subject, Title, or abbreviated Title.	Extent of Repeal.
II of 1862...	An Act for extending the Powers of Municipal Commissioners, appointed under Act XXVI of 1850.	Section 4 and the first six words of Sections 2 and 3.
IV of 1862...	Markets and Fairs	The first six words of Section 1.
V of 1862...	Bhagdari and Narwadari Tenures.	In Section 1 the words "from and after the passing of this Act." The first seven words in Sections 4 & 5. The first eight words of Section 1.
IX of 1862...	An Act for further amending Act XXVI of 1850.	
X of 1862...	An Act to amend Sec. 45, Clause I, of Regulation XIII of 1827.	The preamble, and in Section 1 the words "Sessions Judge or other."
I of 1863...	An Act for the Registry of Vessels and Levy of Pilotage Fees on the River Indus.	In the preamble, from and including the words "And whereas" down to and including "Sind." Sections 16 and 19.
IV of 1863...	An Act to amend Act XV of 1858 for the levy of Port-dues in the Port of Aden.	Section 1, and Section 2 down to and including the figures "1863."
VI of 1863...	Public Conveyances in the Town, Suburbs, and Harbour of Bombay.	Sections 33 and 38.
VII of 1863...	An Act for the Summary Settlement of Claims to exemption from the payment of Government Land Revenue, &c.	Sections 1 and 27.
VIII of 1863...	Kurrachee Court of Small Causes.	The whole.
IX of 1863...	An Act for the prevention of Adulteration of Cotton and the better Suppression of Frauds in the Cotton Trade in the Presidency of Bombay.	Section 1, and the first twenty-two words of Section 4.
XI of 1863...	An Act for taking a Census of the Bombay Presidency.	The whole.
XII of 1863...	An Act to remove any doubts which may arise as to the legality of acts done and proceedings held in the Collectorate of Sattara, between the 1st January and 14th April 1863, both days inclusive.	Do.
III of 1864...	An Act to repeal Clause 4 of Section 2 of Regulation V of 1830, and Sec. 1 of Reg. VIII of 1831.	Do.
IV of 1864...	Repeal of enactments relating to Native law-officers.	Do.
V of 1864...	An Act to give Manildars' Courts jurisdiction in certain cases, &c.	The preamble down to and including the figures and words "VI of 1830; and." Section 2. In Section 20 the words and figures "as defined in Chapter II of Regulation XVI of 1827."
VI of 1864...	Diet-money of persons imprisoned by the Bombay Court of Small Causes.	Section 1.

PART IV.—ACTS OF THE GOVERNOR OF BOMBAY IN COUNCIL—(Continued.)

No. and Year.	Subject, Title, or abbreviated Title.	Extent of Repeal.
I of 1865...	An Act to provide for the survey, demarcation, assessment, and administration of lands held under Government, &c.	Section 1 from and including the words "and shall" to the end. Section 50.
IV of 1865...	An Act for the regulation of Mofussil Gaols and the enforcement of discipline therein.	Section 1. Section 2, down to and including the word "operation." Section 41.
VI of 1865...	An Act to authorize the destruction of useless Records in certain Courts of the Bombay Presidency.	In the preamble from and including the words "and whereas" down to and including "useless records." Section 2.
II of 1866...	An Act to divest Courts of Revenue of jurisdiction in certain cases, &c.	Sections 1, 4, 7, and 8.
III of 1866...	Gambling	Section 15.
V of 1866...	Repealing Bombay Regulation XVI of 1827, Section 10.	The whole.
VII of 1866...	An Act to limit the liability of a Son, Grandson, or Heir of a deceased Hindoo for the debts of his ancestor, &c.	Section 3. Section 4 from and including the words "and the provisions" to the end. Section 8.
VIII of 1866...	Sale of Poisons	Section 1 and the first twelve words of Section 3. Section 22.
IX of 1866...	An Act to authorize the extension of certain Regulations and Acts to territories in the Bombay Presidency not subject to the General Regulations.	Section 1 and the first twelve words of Section 2.
X of 1866...	An Act to shorten the language used in Acts of the Governor of Bombay in Council, &c.	Sections 8 and 9.
XI of 1866...	Port-dues	Section 1.
XII of 1866...	Courts in Sind	So much of Section 12 as extends Act V of 1840. Sections 18, 19, and 20. The whole.
II of 1867...	An Act to amend (Bombay) Act No. XIV of 1866.	Do.
V of 1867...	An Act to amend the Schedule annexed to Act No. XII of 1866 (Bombay).	Do.
VII of 1867...	District Police	Section 2.
VIII of 1867...	Village Police	Section 2.
IX of 1867...	Sale of spirituous and Fermented Liquors in the City of Bombay.	Sections 1 and 16.
I of 1868...	An Act to repeal Section 3 of Act XXI of 1852, and to remove doubts, &c.	Section 1, and in the Title the words and figures "to repeal Section 3 of Act XXI of 1852, and."
II of 1868...	Public Ferries	Section 1.
III of 1868...	An Act to amend the Schedule annexed to Act No. V of 1867 (Bombay).	Section 1, down to and including the words "repealed and."
IV of 1868...	Application of (Bombay) Act I of 1865 to Towns and Cities.	Sections 16 and 20.
I of 1869...	Bhore Ghaut Accident	The whole.

PART IV.—ACTS OF THE GOVERNOR OF BOMBAY IN COUNCIL—(Concluded.)

No. and Year.	Subject, Title, or abbreviated Title.	Extent of Repeal.
III of 1869...	An Act to provide in the Presidency of Bombay funds for expenditure on objects of local public utility.	Section 14.
VI of 1869...	Inspection of Steam Boilers in the City of Bombay.	The last sentence of Section 11. Section 15.
I of 1870...	Repealing Certificate Tax ...	The whole.
II of 1870...	Official seals of the Magistrates ...	Sections 1 and 3.
I of 1871...	An Act to provide for the cost of Police employed in Towns and Suburbs where Act XXVI of 1850 is in force.	Section 4.

PART V.—ACTS OF THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

No. and Year.	Subject, Title, or abbreviated Title.	Extent of Repeal.
II of 1862...	Amending Act XLII of 1860 ...	The whole.
III of 1862...	Land Revenue ...	Section 1.
VII of 1862...	Resumption of Revenue ...	Section 1.
VIII of 1862...	Zemindary Daks ...	Section 1.
IV of 1863...	Amending Act XXII of 1860 ...	In Section 1 the words and figures "The schedule annexed to Act XXII of 1860 is hereby repealed, except as to any proceedings pending at the time of the passing of this Act: and."
VI of 1863...	Calcutta Municipality ...	Sections 1 and 5.
II of 1864...	Jails ...	Sections 1 and 20.
V of 1864...	Canal Tolls ...	Section 19.
VI of 1864...	Inspection of Steam-boilers ...	Section 13.
VII of 1864...	Salt ...	Sections 2, 42, and the schedule.
I of 1865...	Acts of Judge of 24 Parganas ...	The whole.
II of 1865...	Repealing Bengal Act IX of 1862.	Do.
V of 1865...	Amending Bengal Act II of 1864.	Section 1, and in Section 2 the words and figures "Sections 5, 15, and 19 of the said Act II of 1864 are hereby repealed, and."
VIII of 1865...	Sale of under-tenures ...	Sections 2 and 18.
I of 1866...	Amending Bengal Regulation VI of 1819.	Section 1.
IV of 1866...	Calcutta Police ...	Section 2.
V of 1866...	Hackney Carriages ...	Section 1.
VI of 1866...	Amending Bengal Act VI of 1863.	Section 1.
IX of 1866...	An Act for the more effectual punishment of persons resisting lawful apprehension or escaping from legal custody, &c.	The whole.
III of 1867...	Ships in Ports ...	Section 20.
VI of 1867...	Police ...	Section 14.
IX of 1867...	Amending Bengal Acts VI of 1863 and VI of 1866.	Section 23 and the schedule.
XI of 1867...	Calcutta Police rates ...	Section 15.
I of 1868...	Survey of Steamers ...	Section 19.

PART V.—ACTS OF THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL—(Concluded.)

No. and Year.	Subject, Title, or abbreviated Title.	Extent of Repeal.
III of 1868...	Appeals under Bengal Regulation VII of 1822.	Section 2.
IV of 1868...	Amending Act IX of 1847. ...	Section 1.
V of 1868...	Hastings	Section 2.
VII of 1868...	Arrears of land-revenue	Section 29 and Schedule E.
I of 1869...	Cruelty to animals	Section 8.
I of 1870...	Calcutta Water-rate	Section 1 and the schedule.
III of 1870...	Transfer to Civil Courts of certain pending suits.	The whole.
IV of 1870...	Court of Wards	Section 87.
V of 1870...	Calcutta Port Commissioners ...	Sections 93 and 94.
II of 1872...	Jute warehouses	Section 3.

PART VI.—MADRAS REGULATIONS.

No. and Year.	Subject.	Extent of Repeal.
II of 1803...	Collectors.	Sections 3 and 4.
II of 1820...	Publication of certain Sections of 53 Geo. III, Cap. 155.	The whole.

PART VII.—BOMBAY REGULATIONS.

No. and Year.	Subject, Title, or abbreviated Title.	Extent of Repeal.
I of 1827...	A Regulation for forming into a regular Code all Rules that may be enacted for the internal government of the Territories subordinate to the Presidency of Bombay.	So much as has not been repealed.
II of 1827...	A Regulation for defining the constitution of Courts of Civil Justice, and the powers and duties of the Judges and officers thereof.	Chapter I. In Section 47, Clause II, the words and figures "as provided in Regulation III, A. D. 1827, Section 3, Clause II." Appendix C. In Section 50, Clause IV, the words "unless such Court be subordinate to that of the Zillah Judge, in which case it shall be imposed by his immediate authority." Section 52, Clause V. Section 53, Clauses I and IV. Section 54, in Clause I, from and including the words, "unless such Court," down to the end of the clause; and, in Clause II, from and including the words "and the Court," down to and including "decrees."

PART VII.—BOMBAY REGULATIONS—(Continued)

No. and Year.	Subject, Title, or abbreviated Title.	Extent of Repeal.
V of 1827...	A Regulation defining the Limitations, as to time, within which civil actions may be prosecuted, &c.	The preamble down to and including the words "instituted and," and in the preamble the words "for the calculation of the interest of money, and for limiting the amount thereof, and:" and the words "to have effect from such date as shall be prescribed in a regulation to be hereafter passed for that purpose." Section 13, and Appendix A.
VIII of 1827...	A Regulation to provide for the formal recognition of Heirs, Executors, and Administrators, &c.	In the preamble, the last twenty words. Section 2, Clause II. Section 6. In Section 10, Clause II, the words and figures "in the manner prescribed in Regulation IV, A. D. 1827, Section 8, Clause X," "local currency," "Bombay Courier, or other."
XII of 1827...	A Regulation for the establishment of a system of Police throughout the Zillahs subordinate to Bombay, &c.	Section 19, Clause VI, from and including the words "and if the Magistrate," down to the end of the clause. In Section 37, Clause II, the words and figures "by imprisonment in commutation," and "in Regulation XIV, A. D. 1827, Section 9."
XIII of 1827...	A Regulation for defining the Constitution of Courts of Criminal Justice, and the Functions and Proceedings thereof.	The preamble. Section 31, Clause III. Section 32, and the 1st and 2nd Clauses of Section 33.
XIV of 1827...	A Regulation for defining crimes, and offences, &c.	So much as has not been repealed.
XVI of 1827...	A Regulation defining the duties of the Collector, and his powers in regard to Subordinate Revenue Officers, and providing Rules for the guidance of Land Revenue Officers in General, throughout the Territories subordinate to Bombay.	In the preamble the last seventeen words. Section 11, Clause IV. In Section 14, Clause II, the words "to the Judge." In Section 15, Clause II, the words "through the Judge, who shall be bound to forward the same." In Section 23, Clause II, the word "the" before "stamped," and the words and figures "specified in Appendix (F) to Regulation XVIII, A. D. 1827." In Section 26, the words and figures "as required by Regulation VII, A. D. 1827, Section 4, Clause III." In Section 27, Clause III, down to and including the words "IV, and." Appendix A.

PART VII.—BOMBAY REGULATIONS—(Continued.)

No. and Year.	Subject, Title, or abbreviated Title.	Extent of Repeal.
XVII of 1827...	A Regulation for the territories subordinate to Bombay, prescribing Rules for the assessment and realization of the Land Revenue, &c.	<p>In the preamble, from and including the words "that the Collector," down to and including the words "revenue officers."</p> <p>In the preamble the last seventeen words.</p> <p>In Section 2, Clause I, the words and numbers "under any of the provisions contained in Chapters IX and X of this Regulation."</p> <p>In the same section, Clause II, the words "or in the enactments therein cited."</p> <p>In Section 4, Clause III, the words "by Regulation."</p> <p>In Section 5, Clause I, the words "according to the Regulation."</p> <p>In Section 12, Clause VII, the words and figures from and including the words "in Regulation," down to and including the word "sections."</p> <p>In Section 14, the words and figures "of Regulation IV, A.D. 1827, Section 70."</p> <p>Section 16, Clause IV.</p> <p>In Section 26, Clause V, the words and number "before the Collector, according to the provisions of Chapter VIII," and the words and number "according to the provisions of Chapter VIII."</p> <p>In Section 27, the words and number "instituted before the Collector according to the provisions of Chapter VIII."</p> <p>Section 29, Clause II.</p> <p>In the preamble the last twenty words.</p>
XIX of 1827...	A Regulation for the Presidency prescribing Rules for the Assessment and Collection of the Land Revenue, and for Collecting Taxes on Shops and Stalls, &c.	<p>In Section 3, Clause II, the words and figures "which is as prescribed in Chapter I, Regulation V, A.D. 1827."</p> <p>Section 7, Clause I, from and including the words "the amount" down to the end of the clause.</p> <p>Section 8, except the first fifteen words.</p> <p>In the preamble the last sixty-four words.</p>

PART VII.—BOMBAY REGULATIONS—(Continued.)

No. and Year.	Subject, Title, or abbreviated Title.	Extent of Repeal.
XXI of 1827...	A Regulation for Collecting Customs on Opium and other specified Articles, &c.	<p>In Section 7, Clause I, the words "or criminal judge," Clause II, the word "Bombay."</p> <p>In Section 9, Clause III, the words "local currency."</p> <p>In Section 46, Clause II, the words "for the benefit of the Company."</p> <p>Sections 49, 50, 51, 52, and 53.</p> <p>Section 65, Clause III.</p> <p>In Section 66, Clause II, the words and number "as prescribed in Section 47, Clause V."</p> <p>In Section 68, Clause I, the words "by the Regulations."</p> <p>In Section 71, Clause I, the last thirty-three words.</p>
XXII of 1827...	A Regulation to declare and define Military Authority, in its relations to the Civil Power and to the community at large.	<p>In the preamble, the words from and including "that Camp followers" down to and including "power."</p> <p>In the preamble, the last seventeen words.</p> <p>Section 23, except the first twenty-two words.</p> <p>In Section 25, Clause III, the words and number "in the mode described in Section 5, Clause I."</p> <p>In Section 26 the words and number "in Section 9 of this Regulation."</p> <p>In the same section, Clause III, the word "Bombay."</p> <p>In Section 32, Clause I, the word "Bombay," and the last twenty-four words of this clause.</p> <p>In Section 42, Clause IV, the word "both," and the words "and the Court of Sudr Foujdary Udalut."</p> <p>In Section 49, Clause I, the word "Bombay."</p>
XXV of 1827...	A Regulation for the Confinement of State Prisoners and for the Attachment of the Lands of Chieftains and others, for Reasons of State.	<p>In the preamble the last twenty words.</p> <p>Section 4, Clause I.</p> <p>In the same section, Clause II, the words "or the Judge on circuit."</p>
XXVII of 1827...	A Regulation for abolishing the Zillah Court of Broach, and for attaching the Districts composing the Broach Zillah to the Zillahs of Surat and Kaira.	So much as has not been repealed.
XXVIII of 1827...	A Regulation for fixing the Date from whence certain Regulations passed on the 1st January 1827 are to take effect.	The whole.

PART VII.—BOMBAY REGULATIONS—(Continued.)

No. and Year.	Subject, Title, or abbreviated Title.	Extent of Repeal.
XXXIV of 1827...	Nawab of Surat	The whole.
IV of 1828...	Stamps	Do.
IX of 1828...	Repealing Regulation I of 1828 and part of Regulation XXVII of 1827.	Do.
X of 1828...	Repealing Regulation II of 1828 and part of Regulation XXVII of 1827.	Do.
XI of 1828...	Assistant Judges	Do.
XIV of 1828...	A Regulation for levying a Toll at the Sion Causeway, &c.	Do.
IV of 1830...	A Regulation rescinding such parts of Regulation XII of 1827 as vest the Criminal Judge with Police Jurisdiction of the Magistrate and his Assistants.	So much as has not been repealed.
V of 1830...	A Regulation providing for the Appointment of a Revenue Commissioner, &c.	In the preamble, the words "to have effect from the date of promulgation."
VII of 1830...	A Regulation for bringing under the Operation of the Regulations, the territories comprised in the Southern Mahratta Country, belonging to the Honourable Company, &c.	Sections 3 and 4.
XIII of 1830...	A Regulation for vesting certain Jaghiredars, Surinjameedars, and Inamdars with the power of deciding Suits within the Boundaries of their respective estates.	In the preamble, the words "to have effect from the date of promulgation." In Section 2, Clause II, the words "to the deputy agent or assistant judge, as the case may be." In Section 5, the words and figures "under the rules provided in Chapter XXII, Regulation IV of 1827, for the admission of special appeals."
XV of 1830...	A Regulation for rescinding and re-enacting, with Modifications, the Provisions contained in Regulation VI, 1818, &c.	The whole.
XVIII of 1830...	A Regulation providing for the Appointment of a Joint Judge within the Zillah of Poona.	Do.
XX of 1830...	A Regulation for relaxing the Restrictive System in regard to the Sale and Purchase of Malwa Opium, &c.	In the preamble, the words "to have effect from the date of promulgation." Section 1. Section 2, Clause III, the words and figures "leviable under Regulation XX of 1827."
I of 1831...	A Regulation for extending the Jurisdiction of the Agent of Government, acting under the provisions of Section IV, Regulation XXIX of 1827, &c.	In the preamble, the words "to have effect from the date of promulgation." In Section 1, Clause I, the words "First, it is hereby declared that" and the words and figures "and which under the provisions of Section 31 of Regulation XVII of 1827 are within the jurisdiction of Collectors of land revenue." Section 1, Clause II.

PART VII.—BOMBAY REGULATIONS—(Concluded.)

No. and Year.	Subject, Title, or abbreviated Title.	Extent of Repeal.
X of 1831...	A Regulation providing for the Recognition of the Vechania and Gerania Tenures as sufficient Title, for the exemption of Lands from the payment of Revenue, &c.	The whole.
XV of 1831...	A Regulation providing Rules for the punishment of Patels of Villages, in case of their falsifying Revenue Records.	In the preamble, the words "to take effect from the date of promulgation."
XVI of 1831...	A Regulation for extending the Jurisdiction vested in the Political Agent in the Southern Mahratta Country, &c.	In the preamble, the words "to have effect from the date of promulgation," and the first five words of Section 1.
II of 1832...	A Regulation providing for the realization of certain Items of Revenue from Farmers thereof.	In the preamble, the words "and land," and "transit duties," and the last eight words. In Section 1, the words "land customs, transit duties."
V of 1833...	A Regulation for declaring all Hereditary District and Village Officers, when entrusted by virtue of their Offices with the charge or collection of the Public Money, to be officers of Receipt, and liable to certain Penalties for embezzlement, &c.	In the preamble, the word "fourth" and the last eight words. In Section 3, the word "fourth." In Section 4, the words and figures "In extension of the provisions of Section 18 of Regulation XVI of 1827, it is hereby declared that."
I of 1834...	Repealing Regulation V of 1828...	Section 1, and the 2nd Clause of Section 2.

PART VIII.—BENGAL REGULATIONS.

No. and Year.	Subject, Title, or abbreviated Title.	Extent of Repeal.
II of 1793...	A Regulation for abolishing the Courts of Maal Udalut or Revenue Courts, &c.	Sections 2, 19, and 48. In Section 3 the second sentence.
IX of 1793...	Apprehension and Trial of Persons charged with Crimes or Misdemeanours.	So much as has not been repealed.
XVIII of 1793...	A Regulation for preserving complete the Records of the Civil and Criminal Courts of Judicature, &c.	Do. do. do.
XXI of 1793...	A Regulation for establishing in each Zillah an office for keeping the Records in the Native Languages which relate to the public Revenue, &c.	The whole.

PART VIII.—BENGAL REGULATIONS—(Concluded.)

No. and Year.	Subject, Title, or abbreviated Title.	Extent of Repeal.
III of 1794...	A Regulation for exempting Proprietors of Land (with certain Exceptions) from being confined for Arrears of Revenue, &c.	Section 22.
XVIII of 1795...	A Regulation for extending to the Province of Benares Regulation XVIII, 1793, &c.	The whole.
XXX of 1795...	A Regulation for extending to the Province of Benares Regulation XXI, 1793, &c.	Do.
LVIII of 1795...	A Regulation for granting to the Collectors a Commission on the Jumma of Lands, &c.	The whole Regulation, except Sections 3 and 4.
VII of 1797...	A Regulation for abolishing the Office of Commissioner at Backergunge, &c.	So much as has not been repealed.
V of 1804...	Native Officers	Sections 25 and 26.
XIV of 1805...	A Regulation for the Administration of Justice in Civil Cases in the Zillah of Cuttack.	The whole Regulation, except so much of Section 11 as has not heretofore been repealed.
XVIII of 1806...	Eastern Canal Tolls	The whole.
VI of 1814...	A Regulation for modifying certain Parts of Regulation IX, 1810, and Regulation I, 1812.	So much as has not been repealed.
XXVI of 1814...	A Regulation for modifying some of the Rules at present in force regarding the Admission and Trial of Special and Summary Appeals, &c.	Do do do.
I of 1819...	A Regulation for replacing the Districts of Dinagepore and Rungpore under the management of the Board of Revenue, &c.	Sections 1, 2, and 3.
II of 1819...	Resumption of Revenue	Section 19, Clause II.
IV of 1821...	A Regulation for authorizing a Collector of Land Revenue or other Officer employed in the Management or Superintendence of any Branch of the Territorial Revenues, to exercise, in certain cases, the powers of Magistrate, &c.	Sections 2, 3, and Section 8, Clause IV.
VIII of 1824...	Tolls on certain rivers	The whole.
XIV of 1825...	Lakhiraj tennures	Section 5.
III of 1828...	Special Commissioners for hearing appeals from revenue authorities.	Section 9.

(Signed) WHITLEY STOKES,
Secy. to the Government of India.

Re-published by order of the Right Honourable the Governor in Council.

(Signed) W. HUDLESTON,
Chief Secretary.

REVENUE REGISTER.

No. 4. MADRAS:—WEDNESDAY, APRIL 15, 1874. [VOL. VIII.]

CULTURE OF COCHINEAL.

At the instigation of the Department of Revenue, Commerce, and Agriculture, an experiment is to be made on the Neilgherries in the cultivation of the cochineal insect. The seed—as the insects are called, and which misnomer is due to the fact that at one time the insect was supposed to be a seed—for the present experiment is, we believe, supplied from the small stock yet living in the Public Gardens at Bangalore. The experiment of propagating the *Grana Funæ*, as the better kind of insect is called, has proved a failure in Bangalore. Our object in drawing attention to the subject is, to show that instead of making experiments with the finer insect it would be better if the coarser one (*Grana Sylvestre*), already naturalized in Mysore, was fostered and brought into the market. In the Appendix to the VIth Volume of the Transactions of the Agricultural and Horticultural Society of India, will be found a detailed history of the insect and the steps taken to introduce its culture in India. We there find that towards the end of the last century, the attention of the Court of Directors was drawn to the desirability of introducing the cochineal into India, and, “at the instance of the Committee of Warehouses, in 1788, sealed orders were given

to the Captains of some ships proceeding to the Brazils, to procure, if possible, some of the real insect and carry it to the coast.” But it was not till 1795 that Captain Neilson had imported and delivered to Dr. Roxburgh, the Superintendent of the Botanical Gardens, some cochineal of the kind called, by the Americans, *Sylvestre*. A portion of these insects were sent to Madras. “The Collectors of Revenue were each furnished with a small quantity, and directed to exert themselves in the most strenuous manner, for the purpose of securing to the public the full advantage of so valuable an acquisition; with a view to which, they were directed to enclose spots of ground, fifty and sixty feet square, at some of the Cusbah villages under each Collector. In March 1796, the Madras Government having determined to hold out the most solid encouragement to the manufacturers of cochineal, directions were given to the Board of Revenue to authorize the Collectors to purchase cochineal from the inhabitants at the rate of one star pagoda per pound.” In 1798 the prices paid by Government was reduced to Rupees 2 per pound for the better sort, and 1 Rupee for the second sort. In 1807 the management of purchases of cochineal at Madras was transferred to the Board of

Trade, who reported that the purchase of cochineal was not an article of profit to the Company, and suggested the propriety of discontinuing the practice. The Government, however, directed purchases to continue. In this determination the Court of Directors expressed their concurrence in the following terms:—"As the prices which we have obtained for the cochineal at our sales have not been such as to reimburse the prime cost and charges, our sole reason for continuing to suffer a considerable annual loss upon this article, has been with a view to encourage the breeding of the insect until it should become perfectly understood among the natives. It now appearing that means of collecting the insect are sufficiently established to encourage individual speculation, provided it can be undertaken with advantage, we can have no longer any reasons to continue to make purchases. Nevertheless, as we have so long been in the custom of receiving the cochineal, our suddenly withdrawing ourselves may, perhaps, be productive of individual inconvenience to those persons who have usually supplied us. We, therefore, direct that notice be published that the quantity to be received in the year 1809 will be limited to 8,000 lbs., and the quantity for 1810 to 4,000 lbs., after which no more will be received on our account, *unless the prime cost can be reduced at least 25 per cent.*"

Long before Government withdrew from the purchase of cochineal, its culture had spread far. In 1801, Dr. Buchanan, when travelling through Mysore, found cochineal in an out-of-the-way taluk of that Province. He wrote—

"I found here (Bailoor) two men, whom an officer stationed at Arcot, employed in rearing cochineal. They have been in this country one year; have sent to their employer fifteen maunds, have fifteen maunds ready for sale;

and, before the insects have consumed all the nopals (*cactus*) that are near the town, they expect to have ten maunds more. When this happens, they will carry two men's load of branches filled with the insect, and apply these to the *nopals* of some other place, where they will remain until the insects breed and consume all the plants. The *nopals* have been raised by the farmers as fences round their gardens, but were sold by the officers of Revenue for four *Bahadury Pagodas*, or about a guinea and a half. So soon as all the plants have been consumed, such of the insects as have not been collected, will perish; and the *Amildar* says that he will then compel the farmers to plant new hedges of the *nopal*; but I suspect that few plants will be reared unless the farmers get a large share of the profits, as, indeed they ought, in reason, to do. The hedges will grow up in three years, when it is expected that some other person rearing the insect will come and buy the plants.

"This seems to me to be the most rational plan of any that has been hitherto proposed for rearing the cochineal in India, and to be deserving of the attention and encouragement of Government. The men employed here say that the young insects ought to be put on the new hedges immediately after the rainy season is past. In six months they will have increased so, that they may begin to be collected; and a year more will elapse before the whole plants are consumed. During the course of this year, whenever a leaf is fully loaded, it ought to be cut and the insects scraped from it with a small stick and collected in a basket. When they are in this, a little boiling water is poured on them by which they are killed. They are then well agitated in the basket to remove the hair with which they are covered, and dried for two days in the sun, when they are fit for sale. These men say that all expenses included, the cochineal thus prepared will cost here three *Madras Pagodas* a maund of forty seers, each weighing 24 Rupees, which is rather less than 11d. a pound. The cochineal is of the bad kind that has been lately introduced into India, and the plant is the

cactus, that is the aboriginal of the country."—
(Vol. II, p. 480).

Past experiments are of little use unless we extract from them the lessons they would teach us. That the *Grana Sylvestre* can be easily propagated in Southern India has been proved by the experiments already made. So long as the Government paid a high price the culture went on increasing, and if the returns are studied, it will be seen that this increase was marvellously rapid. In the year 1798 alone 36,388 lbs. were shipped home; but when the Government reduced the price, the culture of the cochineal ceased. According to the strict rules of political economy, this cessation would be due to the prices offered being no longer remunerative. The reason at first sight appears plausible. A careful examination of Dr. Buchanan's notice of cochineal culture, as carried on in an out-of-the-way taluk of—then—a foreign state however shows that the cessation is due to other causes. In fact, the cessation of cochineal culture is due to the high price paid by Government at the commencement of the undertaking. Dr. Buchanan states that the cost of producing 1 lb. was 11*d.* or, say, 8 Annas. Government offered originally one star pagoda, or Rupees 3-8-0 per pound. So that the profits to the seller ranged somewhere between 5 and 600 per cent!! So large a profit naturally attracted speculative men of some capital to embark in the culture of cochineal. *In fact, in the beginning, a wrong class of persons were induced to take up cochineal.* We see that the men employed in Bailoor had been engaged by *an officer* living at Arcot, who had to send over 300 miles in quest of food for the cochineal insect. It is, of course, unsafe to draw definite conclusions from a single instance; but, in the absence of more detailed information, we are justified in supposing that the

culture of cochineal had *not* been undertaken by a poor class of persons who hoped by it to earn a livelihood. No poor person could afford to send his insects 300 miles for food; nor is it likely that such an one would cease cultivating, because Government offered only 25 per cent profit. On the other hand, speculative persons of capital accustomed for some time to 6, 5, or even 300 per cent, would withdraw from an undertaking when the profit had been reduced to 25 per cent.

The culture of cochineal is one in every way suited to the poorer classes. It requires no capital; the coarser insect lives on the indigenous *cactus*, and its operations can be better performed by the delicate touch of women and children. It is a culture well fitted for those indigent Musulmauns of Mysore, whose means of livelihood have been straitened by the failure of sericulture. The *Grana Sylvestre*, which was the insect with which former experiments were made, has naturalized itself in Mysore. Small quantities of this insect, living on the common *cactus*, may be found scattered here and there throughout the Province. Uncared for and neglected, this little insect has managed for more than half a century to propagate its species, thus proving, better far than any number of experiments, that the climate of Mysore is suited to its habits. Instead, then, of Government wasting both time and money in trying to naturalize the *Grana Funa*, we would strongly recommend attempts being made to revive the culture of the *Grana Sylvestre*.

CORRESPONDENCE.

To the Editor of the Revenue Register.

SIR,

NOTWITHSTANDING what has been stated to the contrary by X. Y., in his letter published at page 5 of the *Revenue Register* for January, I cannot help thinking that P. is correct in his opinion (Vol. VII, *Revenue Register*, p. 326) that, in the case stated, D takes the land subject to the claim of C. Section 40 of Act VIII of 1865 merely refers to the *mode of sale* and has no reference to the *conditions* under which the property is to be sold. I think that the answer to P.'s question is to be found in Section 38 of the *Rent Recovery Act* (VIII of 1865), from which it is clear that it is only the defaulter's interest in the land that can be sold, and "such interest" is surely subject to any incumbrance which may have been attached to the land by such defaulter.

Yours obediently,

J. W. B.

26th February 1874.

To the Editor of the Revenue Register.

SIR,

I SHALL feel very much obliged if you will kindly insert this letter and obtain me an opinion on the following points in connection with the Stamp Act (Act XVIII of 1869).

1. A demises certain land to B on kanom mortgage for Rupees 1,000. B assigns his kanom interest to C. Is not a stamp of Rupees 5 sufficient for the deed of assignment under Article 13, Schedule I of the Act? or does the fact of the property being conveyed to C by the deed of assignment bring it under Section 14 of the Act and make it chargeable with a stamp of Rupees 10 as a conveyance? The conveyance of the property being a necessary consequence of the assignment of the mortgage (which is one with possession) I do not think that it comes under Section 14, and consequently it does not require to be stamped as a conveyance.

2. Article 27, Schedule II of the Act prescribes a uniform stamp of 4 Rupees for "reconveyances of mortgaged property." Looking at the words "when the original mortgage-deed has been stamped in accordance with the law in force in British India at the time of its execution" used in the Article in question, I think the intention of the Legislature was to lessen the duty on "reconveyances" of more than 400 Rupees in value. A doubt, however, seems to prevail in some quarters that even a reconveyance of 50 Rupees should bear a stamp of Rupees 4. Such a construction would evidently pervert the intention of the Legislature which was, I think, simply to reduce the duty on large documents and not to increase that on small ones. My humble opinion on this point is that "reconveyances" of the value of more than 300 Rupees are only liable to a stamp of Rupees 4, and not those of which the value is below that amount, which should, I think, be stamped as conveyances.

3. The same misapprehension seems to exist in regard to counterparts of documents. It is almost absurd to suppose that a counterpart of a document of Rupees 25 which only requires a stamp of 8, or 2, Annas, as the case may be, should bear a stamp of 1 Rupee invariably. In this case, too, I think the rule applies to those documents only the originals of which require one or more Rupees' stamp.

Yours faithfully,

P. S. R.

HIGH COURT—MADRAS.

HOLLOWAY, ACTING C. J., AND INNES, J.

Declaratory Suit—Office in Temple—Right to possession.

A sued to establish his right to a dharmakartaship, and to the hereditary office of pooja stanika from which he had been ousted by B. A held under a deed granted to him by the original dharmakartas. B denied A's hereditary right to the office of pooja stanika, and

alleged he had been removed from the dharmakartaship for negligence.

HELD, that this was not a proper suit for a declaration; that the question was who had the right to possession; that the deed under which A claimed was inefficient to convey rights of trusteeship; but that his title to possession was good.

R. A. 140 of 1872.

Kumarasawmi Gurukkal v. Narayanasawmi Mudali and seven others.

THE plaintiff sued to establish his right to the dharmakartaship, and to the hereditary office of "pooja stanika" in the pagoda of Mookteswarar, at Conjeveram, together with arrears of income. It is alleged in the plaint that the plaintiff held the office of "pooja stanika" hereditarily, and dharmakartaship was assigned to plaintiff by certain washermen who were the original dharmakartas, by means of a deed executed in his favour on the 28th December 1858 (marked No. I), which assignment was also confirmed by means of a deed dated 20th December 1869 (A); but that a suit having been brought by plaintiff in the District Munsiff's Court against one Mutu Mooniappah Mudaly, who had usurped some of the pagoda lands, the second defendant, on pretence of arbitrating in the matter, persuaded plaintiff to hand over to him deed No. I and inam title deed No. II, and afterwards, in collusion with first defendant and others, took, forcibly, possession of the pagoda on the 20th September 1870. The defendants deny plaintiff's hereditary right to the office of "pooja stanika," and plead that he was removed from the dharmakartaship by the washermen for neglecting his duties and allowing the pagoda to fall into bad repair, and that the plaintiff, of his own accord, returned deed No. I and title deed No. II to the said washermen, who handed them over to defendants, together with fresh deeds of assignments (Nos. III and IV). The defendants further dispute the correctness of plaintiff's valuation of the shops belonging to the pagoda and the income attached to the pooja stanikaship.

Plaintiff admitted that III and IV are genuine, but denied their validity. The due execution of A was clearly proved by the attesting witnesses and the writer (second, third, and fourth witnesses for plaintiff), and by the statement of defendants' fifth witness, one of the executants. Mr. Foord was of opinion that the evidence of the plaintiff and his second, sixth, and seventh witnesses as to the manner in which second defendant got possession of Exhibits I and II was entitled to more credit than that

of defendants' third, fourth, fifth, and sixth witnesses. The three latter are some of the washermen who executed Exhibits I, III, and IV, and the fifth admits having signed A.

It is alleged by defendants and stated by their fourth, fifth, and sixth witnesses, that plaintiff was removed from the dharmakartaship by the washermen for neglecting the duties and repairs of the pagoda, but this is entirely refuted by the express terms of A by which the efficient manner in which plaintiff performed his trust is most distinctly acknowledged. Mr. Foord, therefore, held that nothing passed to the defendants under III and IV, and that plaintiff's hereditary right to the pooja stanikaship was proved by his second, fourth, and fifth witnesses; that the shops in question were worth Rupees 700, and that the annual income attached to the pooja stanikaship was Rupees 120. He, therefore, adjudged that plaintiff's right to the dharmakartaship and "pooja stanikaship" was established, and that the defendants should put plaintiff in possession of the pagoda in dispute together with the shops belonging thereto, and should pay him the income attached to the pooja stanikaship at the rate of Rupees 120 per annum from the date he was dispossessed, that is, 20th September 1870, to date of execution of the decree, with interest thereon at 6 per cent per annum, and costs.

From this decree defendants appealed to the High Court, on the ground that the decree was against the weight of evidence; that A was a fraudulent document; it was unregistered and invalid; that No. I and A have been misconstrued. They did not at all give the plaintiff any permanent right to the dharmakartaship; that such right, even if it existed, had been forfeited by the plaintiff in consequence of his negligence in looking after the affairs of the pagoda; that such right, even if it existed, had also been forfeited by the plaintiff in consequence of his having voluntarily returned and given back documents Nos. I and II; that the income attached to the stanikaship had been wrongly found to be 120 Rupees; that the plaintiff having brought the suit for a declaration of his right only to the dharmakartaship in question, the lower Court was not justified in decreeing the possession of the disputed property to the plaintiff; and that the lower Court was also wrong in having awarded interest.

Miller for appellants.

Johnstone for respondents.

The High Court delivered the following

Judgment:—23rd July 1873.

It was manifest that this was not properly a suit for a declaration. The object of the

suit and the effect of the declaration would have been to put the plaintiff in possession of that from which he had been ousted. The case has, therefore, been treated by us and argued upon the question of whether there is a right to possession. As to the claim to the dharmakartaship, Document I shows that the plaintiff was a mere appointee as agent. If it professed to transfer rights of trusteeship, it would be invalid, as Document III is also invalid. It has not been attempted to contest the finding of the Civil Judge that Document III did not revoke the authority given by No. I. The case before us, therefore, is that of one who has been ousted from a possession which he held upon a good title by those who have shown none. On the principle of such cases as *Asher v. Whitlock* (1, L. R., Q. B., 1) the plaintiff has a right to the restoration of that possession. With the unfounded claims on both sides there ought to be no costs.

HOLLOWAY AND INNES, J. J.

Abkarry contract—Sub-lessee—Interest in immoveables.

A sub-leased to B the right to make and sell arrack and toddy in five villages, and on B, failing to pay rent, sued for arrears. B contended that the lease could not be put in evidence as it conveyed an interest in immoveables, and was not registered.

HELD, that this sub-contract could not be construed as a demise of immoveables.

R. A. 125 of 1873.

Cundappa Moodelly v. Perumal Nattan alias Rungasawmi Nattan and another.

THIS was a suit to recover from defendants Rupees 1,532-4-0, principal and interest, being the arrears of rent due under a muchilka, or a contract of sub-leasing an abkarry farm, or right to sell liquor. The facts of the case appear from the judgment of E. F. Elliott, Esq., District Judge of Salem, which was set out as follows:—

“This is a suit to recover from the defendants Rupees 1,532-4-0, principal and interest, being the arrears of rent due under a muchilka together with subsequent interest. The plaintiff says he is the Arrack renter for half of the Oomalore Division, and that, on the 30th August 1869, he entered into an agreement with first defendant, and exchanged a puttah and muchilka between them, whereby first defendant was to ferment arrack in Maroor and five other villages, and sell the same as well

as toddy, and pay him (plaintiff) a yearly rent of Rupees 900, commencing from 1st September, Fusly 1279, and ending June, Fusly 1281. Whereupon first defendant paid a deposit of Rupees 150, and agreed to pay monthly, Rupees 75, and in default, to pay 12 per cent interest per annum. The defendant thereupon entered upon the said rental, and held it up till the end of June, Fusly 1281, the rent being paid by him in full from 1st September 1869 till Fusly 1279, and also 1 Rupee on account of the kist for May of that fusly. Subsequently the first defendant, though duly in enjoyment of his lease, has failed to make good the balance of the rent due by him; and hence this suit to recover from him the amount as particularized hereafter, and in the event of the same not being recoverable from him, that the same may be recovered from his surety, second defendant.

Particulars of Claim.

Principal due from 1st November, Fusly 1280, to June, Fusly 1281	1,500	0	0
Deduct amount of deposit	150	0	0
	<hr/>		
	1,350	0	0
One per cent interest thereon	182	4	0
	<hr/>		
	1,532	4	0

The first defendant pleads that this suit by plaintiff is not sustainable in law, because—

1st. The muchilka upon which the claim of plaintiff is based is not registered, and is, therefore, not admissible in evidence as being a document compulsorily registrable.

2ndly. The contract is incomplete, because, out of the six villages sub-let by plaintiff to defendant one called Vepamputty was not at all put in his possession by plaintiff, and, therefore, plaintiff has no cause of action, and defendant is not liable for his claim. The defendant also adds that he has sustained a loss by the non-delivery of possession of Vepamputty by plaintiff, for which he intends filing a separate suit. He prays, therefore, that this suit be dismissed with costs.

The case coming on for first hearing, the following issue in it was settled and heard, and the suit dismissed thereupon as not sustainable in law:—

Issue.

Is the muchilka relied upon by plaintiff, and upon which he bases his claim, a document that is compulsorily registrable under Regis-

tration Act XX of 1866; and if so, is plaintiff's claim sustainable in law or not?

The defendants' vakeel quoted Volume VI, Madras High Court Reports, Regular Appeal No. 75 of 1870, page 71, in support of his argument that the plaintiff muchilka upon which plaintiff bases his claim is not admissible in evidence, because a compulsorily registrable document and unregistered.

The Court concurred in opinion that the muchilka in question is a document of a similar description to that referred to in the said High Court Ruling, being a document creating and transferring a right of use of growing trees for a term of years, and, therefore, a document which purports to create or transfer an interest in immoveable property within the meaning of Section 13 of the Registration Act of 1864; and, therefore, not being registered, is inadmissible in evidence.

The lease in question therefore requiring registration not having been registered must be rejected. The Court, therefore, finds on the issue recorded that the muchilka relied upon by plaintiff and upon which he bases his claim is a document that is compulsorily registrable under Registration Act XX of 1866, and that plaintiff's claim is not sustainable in law in consequence of its non-registration, and, therefore, dismisses the suit with one-fourth costs."

From this decision plaintiff appealed to the High Court, on the ground that the muchilka sued on was not a document that was compulsorily registrable under the Registration Act; and that the case at VI, Madras High Court Reports, page 71, is not applicable to this suit.

Scharlieb for appellant:—The case of *Sukri Kardappa v. Gundakal Nagireddi*, VI, High Court Reports, page 71, has been misapplied by the Judge. There the plaintiff sued for possession of certain palm trees and for the right to draw toddy from them; and it was decided that, as the right to user demanded for its exercise that the trees should continue as growing trees, it created an interest in immoveables. Here, however, it was only a right to ferment and sell toddy that was passed. The interest in the growing trees, and hence immoveables, might exist in the Abkarry renter himself, but clearly did not exist in the sub-lessee of a sub-lease, who had only a right to deal with the toddy after its severance from the trees.

Johnstone for respondents:—The toddy was obtained from the growing trees, and unless they continued such the toddy could not be had. Therefore it was an interest in immoveables; and the document required registration.

The High Court delivered the following

Judgment:—25th February 1874.

We are of opinion that the judgment must be reversed. It is clear that, under no construction, however strained, could this transaction be construed as a demise of immoveables. Costs will be provided for in the revised decree.

MORGAN, C. J., AND KINDERSLEY, J.

Revenue jurisdiction—Questions of title—Act II of 1864.

Where A sued B to compel acceptance of puttah, and B contended that his permanent lease granted by A's predecessor was binding on him, notwithstanding that A had purchased at a sale for arrears of revenue under Act II of 1864, by Section 42 of which all such sales were to be free of all incumbrances—

HELD that, whenever in the course of a summary suit before a Collector, a substantial question of right and title, as in this case, arose, such suit should be dismissed and the question left to be tried by the regular tribunals.

S. A. 727 of 1873.

Narainasawmy Reddy and another
v. Tippoo Saib.

THIS was a suit brought under Section 9 of Act VIII of 1865 to enforce the acceptance of a puttah for acres 24-30-11, at Rupees 37-4-3. Defendant filed a written answer to the effect that he was not bound to accept any puttah, because he and his ancestors held the village of Govindapuram on a permanent lease. The following issue was raised: "Does the sale by Government of the village of Govindapuram for arrears of rent quash defendant's permanent lease, granted to him by the late landlords?" The case having been heard by Mr. J. A. Brecks Atkinson, Head Assistant Collector of Salem, he gave judgment as follows:—

"The plaintiff's argument is that when the village of Govindapuram was sold, all its incumbrances lapsed; that a permanent lease being an incumbrance, it necessarily lapsed. The defendant argues that a permanent lease is not an incumbrance; and even if it was, that the purchaser at the Collector's sale only stands in the same relation to the village as the late landlords did, and that all leases given by the late landlords in *perpetuity* are binding on their successors, be they lineal possessors, or possessors by mortgage, transfer, or sale. I con-

sider a permanent lease, although not conclusive, but *bonâ fide*, to be an incumbrance. I can see no distinction between a permanent lease and a sale or mortgage which are incumbrances. It does, however, seem that when the plaintiffs bought the village of Govindapuram at the Collector's sale, they bought it with its incumbrances, and that the maxim of *Caveat Emptor* should apply. This appears to me to be equity. But, whether for political reasons, or for what reason, I find it distinctly laid down in Section 7 of Act XIV of 1859 (Sloan's Code), page 1,172, the words—

"In suits to avoid incumbrances or under-tenures in all estates sold for arrears of Government revenue due from such estate or other saleable tenure sold for arrears of rent which by virtue of such sale becomes freed from incumbrances and under-tenures the cause of action, &c."

I also find a judgment of the Privy Council (Sutherland's Privy Council Judgments, pages 548, 552) in which they have held, following an old Bengal Regulation which states the same principle of law as that embodied in Section 7 of the Limitation Act of 1859, that the purchaser of a zemindary, at a sale made for the recovery of the arrears of Government revenue, can avoid previous incumbrances on the zemindary as regards the rent and can enhance the same. Their lordships say, "It (the Bengal Regulation) provides that, when a zemindary is sold at a public sale for discharge of arrears due from the proprietors to the Government, 'all engagements which *such proprietors*' (in italics) 'shall have contracted with defendant's talookdars, as also all lease to underfarmers and puttahs to ryots, shall stand cancelled from the day of sale' (in italics) and again, that a power was given to the purchaser, at a Government sale for arrears, 'to avoid the subsisting engagements as to rent.'"

From these considerations I find that the permanent lease held by the defendant and given by the late landlords is quashed by the purchase of the village by the plaintiffs at a sale for arrears of Government revenue due by the late landlords. I, therefore, find that the defendant is bound to accept a puttah and give a muchilka under Section 10, paragraph 1 of Act VIII of 1865.

And the puttah tendered is admitted to be a proper one.

I, therefore, pass judgment for the plaintiffs, and direct the defendant to accept the puttah, Exhibit B, and to execute a muchilka in accordance with it, and to make good the following damages incurred by the plaintiffs.

From this decision defendant appealed to the District Court of Salem. Mr. E. F. Elliott, the

District Judge, reversed Mr. Atkinson's judgment in the following terms:—"This is a suit brought before the Acting Head Assistant Collector under Section 9, Act VIII of 1865, to enforce the acceptance by defendant of a puttah for acres 24-30-11, at Rupees 37-4-3, from plaintiffs as the muttaldars.

The defendant answers that he is not bound to accept any puttah, as he and his ancestors hold the permanent lease of Govindapur village.

The evidence shows, and it is admitted by defendant, that plaintiff became the purchaser of this muttali from Government at an auction sale for arrears of revenue.

The plaintiffs contend the permanent lease of this village was an incumbrance on the estate which lapsed with the sale thereof and became cancelled thereby under the provisions of Section 42, Act II of 1864, and, therefore, they claim now to have the right to issue fresh puttah for the same, and the defendant is bound to accept the same, and they pray for the enforcement of its acceptance by him accordingly under Section 9, Act VIII of 1865.

The defendant sets up *per contra* his title of permanent lessee under the former muttaldar, and claims thereunder that whether or not there was a sale to plaintiffs with this as an incumbrance or otherwise, his permanent lease is legally binding on the successors to the muttals, be they who they may, lineal possessors or possessors by mortgage, transfer or sale, under the provisions of Section 39, Act II of 1864, and denies plaintiffs' right to demand or enforce an acceptance of puttah by him legally.

The Head Assistant Collector held the permanent lease, held by defendant and given by the former muttaldar, to be quashed by the purchase of this village by plaintiffs at a sale for arrears of Government revenue due by the late landlord, and that the defendant is bound to accept a fresh puttah and give a muchilka in return for the same; and he accordingly adjudged for the plaintiffs, and directed the defendant to accept the puttah B tendered him by plaintiffs, and to execute a corresponding muchilka to them together with costs as stated.

In appeal, the defendant urges that the adjudication of this suit by a Revenue Court, which involves a question of title whether the defendant's permanent lease is or is not valid in law, is wrong; and that the finding of the lower Court that this permanent lease is null and void in consequence of this sale to plaintiffs on account of revenue arrears is equally wrong; and that in point of law this lease is binding on plaintiffs as much as on their prede-

cessor, the former muttahdar, who gave it. He therefore prays the decision of the lower Court may be reversed.

In answer, the plaintiffs' vakeel contends that he cannot be debarred from a summary suit because defendant chooses to set up a question of title, and that High Court Ruling in Special Appeal on Regular Appeal No. 183 of 1865 is inapplicable to this case, and the lower Court had jurisdiction, and that its ruling is correct under Section 42, Act II of 1864, which distinctly provides that this permanent lease of defendant is cancelled by the sale as an incumbrance on the property sold.

The Court has to consider—

Whether the lower Court had the jurisdiction to try and dispose of this suit, involving as it does, a question of title between the parties.

2nd.—Whether his decision in favour of plaintiffs as against defendant's right of title holding the permanent lease deed of the latter to be cancelled by the sale to the former, is valid in law.

The Court holds in the negative on both points.

On the first point it is quite patent that there is a question of title involved in this suit *prima facie*, which must be settled before the claim could be adjudicated upon, and which has been so settled in favour of plaintiffs and judgment given accordingly. The dispute between the parties was as to the superiority of their rights under their respective titles, the plaintiffs claiming as the purchasers at an auction sale for revenue arrears under Section 42, Act II of 1864, and the defendant resisting and contending *per contra* under Section 39 of the said Act, and at the same time claiming under his title of permanent lessee under the previous muttahdar which he submitted to be binding upon plaintiffs as his successors.

The Head Assistant Collector settles the question of title in favour of plaintiffs, holds the permanent lease of defendant to be quashed by the sale to him, and to be not binding on them as the successors to the former lessor, and adjudges for them accordingly, whereas by the High Court Ruling in Special Appeal on Regular Appeal No. 183 of 1865, it has been held that all such cases in which a question of title arises between the parties, cannot be disposed of by a summary suit in a Revenue Court, but by a regular action in a Civil Court, and hence that the Collector has no jurisdiction and cannot adjudicate them, and this the District Judge is of opinion is the ruling to be applied to this case. But even allowing that the Collector had the power of adjudication in

this instance, the Court thinks his decision would still have been wrong in holding defendant's lease to be not binding upon plaintiffs under Section 42, when Section 39 distinctly reads *per contra*, which is upheld in effect by High Court Report, Volume IV, pages 396 and 463, Special Appeal No. 129 of 1869 and Special Appeal No. 75 of 1869, holding such lease to be binding on muttahdars' successors. For these reasons the Court holding the Head Assistant Collector had no right of adjudication in this case in the first instance, and secondly, that his adjudication is wrong in law, reverses his decision, and in affirming this appeal, dismisses plaintiffs' suit with costs."

From the decision of Mr. Elliott, plaintiff appealed to the High Court, on the ground that the relation of landlord and tenant not being denied, the question whether the tenant was bound to accept a puttah from his landlord, was a question within the jurisdiction of a Revenue Court under Act VIII of 1865; and that the District Judge being of opinion that the suit was not cognizable by the Head Assistant Collector, he was wrong in proceeding to adjudicate on the validity of the alleged permanent lease.

Scharlieb for appellants.

Nullathumby Moodelly for respondents.

The High Court delivered the following

Judgment :—4th February 1874.

PER MORGAN, C. J.—The first inquiry in a summary suit before the Collector, to enforce the acceptance of a puttah under Section 9, Act VIII of 1865 is (see Section 10) "whether the party sued was bound to accept a puttah and give a muchilka, and unless this be proved, the suit shall be dismissed with costs." If in the course of the inquiry a substantial question of right and title is found to arise, or to exist, of such a kind as is ordinarily cognizable by the regular tribunals, the summary suit should, I think, be dismissed, and the parties should be referred to a regular suit for the determination of this preliminary matter. Here the defendant set up a permanent lease at a fixed rent granted by a former proprietor, and this lease the plaintiffs sought to avoid under the provisions of the law (II of 1864) relating to the sales of land for arrears of revenue. The Collector upon being satisfied of the existence of such a question should have dismissed these suits.

Under the law in force before 1865, this would have been the course in a suit under Section 8, Regulation V, 1822. The Collector's jurisdiction as it now exists, does not, in my judgment, under the new law, authorize a different course.

Being of this opinion, I would affirm the lower Appellate Court's judgment and dismiss this appeal with costs.

KINDERSLEY, J.—I am of the same opinion.

S. A. 728 of 1873.

Narayanasawmy Reddy v. Fakir Mahommed Sahib and another.

In this case the subject-matter, pleadings, and judgments are the same as in S. A. 727 of 1873.

HER MAJESTY'S PRIVY COUNCIL.

[BENGAL CASE.]

Sale of land for arrears—Notice—Prior attachments—Section 5, Act XI of 1859.

A sued to set aside a sale of land for arrears of revenue. The land had been attached in satisfaction of certain decrees some years prior to the sale, and A contended that the terms of Section 5 of Act XI of 1859 had not been complied with. Under that section no estate could be sold for arrears otherwise than after due notice in the District Gazette, except—firstly, where the arrears were other than those of the current year, or the year immediately preceding; secondly, or arrears due on account of estates other than that to be sold; or thirdly, arrears of estates under attachment by order of any judicial authority, or managed by the Collector in accordance with such order; and the question was whether A's estate fell under the last description. It was contended that this provision only applied to estates held under attachment by the Collector; but it was

HELD, that though A's estate was not held under attachment by the Collector, the words held under attachment by any judicial authority must not be limited to attachments by the Collector; but apply to all attachments by judicial authority under Act VIII of 1859.

HELD, also, that Section 17 does not limit the meaning of the words of Section 5. Section 17 refers to certain cases in which estates are not liable to sale at all.

HELD, also, that an estate, any portion of which is under attachment, cannot be said to be free from attachment.

Judgment of the Lords of the Judicial Committee of the Privy Council on the consolidated appeals of Bunwaree Lall v. Mahabeer Proshad Singh and others, from the High Court of Judicature at Fort William in Bengal, delivered 18th December 1873.

Present.

SIR JAMES W. COLVILLE.
SIR BARNES PEACOCK.
SIR MONTAGUE E. SMITH.
SIR ROBERT P. COLLIER.

THESE cases, in which the parties are the same and the facts are the same, turn upon a point of law which admits of being very shortly stated. The plaintiffs bring their suit for the purpose of setting aside a sale for arrears of Government revenue. The plaintiffs are the owners of separate shares of the estate in question. Certain decrees had been obtained against the plaintiffs, and attachments had been issued under Act VIII of 1859, some years prior to the sale in question. Upon the application of the plaintiffs themselves, a surburakar or manager was appointed for the purpose of liquidating the debts. It does not appear to their lordships that anything turns upon the appointment of this surburakar. It was, indeed, argued in the Court below, though scarcely contended for here, that the appointment of the surburakar superseded the attachments. Their lordships are of opinion that the attachments were not so superseded, but were in force.

That being so, the estates being thus under attachment, with the exception of one portion belonging to a party of the name of Gooroodoyal, the question arises whether or not the provisions of Section 5 of Act XI of 1859 apply to this case? This enactment provides, "that no estate, and no share or interest in any estate, shall be sold for the recovery of arrears or demands of the descriptions mentioned below otherwise than after a notification in the language of the district, specifying the nature and amount of the arrear or demand and the latest date on which the payment thereof shall be received, shall have been affixed, for a period of not less than fifteen clear days preceding the day fixed for the payment, according to Section 3 of this Act, in the office of the Collector or other officer duly authorized to hold sales under this Act in the Court of the Judge within whose jurisdiction the land advertised lies, and in the Munsiff Court and Police Thanna of the division in which the estate or share of an estate to which the notification relates is situated." There is no question that this notice was not in point of fact given. The only question that arises is, whether this section applies to the sale of this estate, and in order to determine this it is necessary to read to the end of the section. The arrears or demands described below are:—"First, arrears other than those of the current year or of the year immediately preceding. Secondly, arrears due on account of estates other than that to be sold. Thirdly, arrears of estates

"under attachment by order of any judicial authority, or managed by the Collector in accordance with such order." The arrears for which the estate in question was sold, were neither of the first nor of the second descriptions; the only question is whether they fall within the third.

Now in this case the estates were not held under attachment by the Collector of the district, and it has been argued that this provision applies only to the case of estates being held under attachment by the Collector. But their lordships are of opinion that to place such a construction upon the words of the Act would unduly limit their plain meaning, and it may be observed that this is to a great extent a remedial Act passed for the benefit of the subject, and in order to relax the stringency of the former Statutes, whereby the Crown was empowered to sell estates for non-payment of revenue. The words of the Act are, "arrears of estates under attachment by order of any judicial authority." These words would *prima facie* apply to all attachments by judicial authority under Act VIII of 1859, which had been passed some two months before in the same session of the Legislature; and it is difficult to suppose that the Legislature having passed that Act should in a subsequent Statute referring to attachments intend to omit a reference to attachments which their previous legislation had regulated.

But it has been said that the second portion of this sentence must limit the construction of the first. That the words "or managed by the Collector in accordance with such order" must refer to attachments as well as to the mere management by the Collector of estates; but it appears to their lordships that no such construction necessarily follows. They think that the first part of the clause, "arrears of estates under attachment by order of any judicial authority," should be read by itself, and thus would have the general significance which I have before expressed. The terms "managed by the Collector in accordance with such order" would refer to cases in which the Collector may manage estates by an order of judicial authority, which may or may not be an order for an attachment. By this construction both parts of the sentence would cohere; and it does not appear to their lordships that the latter words narrow the plain and obvious meaning of the former.

An argument has been drawn from Section 17 for the purpose of limiting the meaning of the words in Section 5; but their lordships would observe in the first place, that Section 17 refers to a different subject-matter. It refers not to notices to be given, but to certain cases in which estates are not liable to sale at all. The words relied upon are these: "and no estate held under attachment or managed by a revenue officer in pursuance of an order

"of judicial authority shall be liable to sale for the recovery of arrears of revenue accruing during the period of such attachment or management, until after the end of the year in which such arrears accrue." It may be that in this section the words "held under attachment," may refer to "held under attachment by a revenue officer;" and it may be observed that where the Legislature intend to express this meaning they have used apt words, they have used the words "held under attachment by a revenue officer;" but the circumstance of their having used these words in this section, and having omitted them in the former, tends to strengthen the inference that their meaning in the former was different from what it was in the latter section. The words of the Act being plain, it is not necessary to speculate upon the reasons which may have induced the Legislature to pass them; but if such reasons were to be sought, one has not far to go for them. A creditor obtaining an attachment under Act VIII had an inchoate interest in the land; his debtor could not alienate it, and no judgment-creditor, even if his judgment were prior, who obtained subsequent execution, would have any rights against him. It may be said that the estate was virtually in the custody of the law. That being so, the judgment-creditor had an obvious interest in knowing whether or not the revenue was paid; in other words, in knowing whether or not the estate in which he had an interest was forfeited. It may well be that the Legislature may have thought that, under those circumstances, he was entitled to be informed whether the estate was or was not liable to forfeiture, in order that he might step in, as he might under Section 9 of the same Act, and pay the revenue and prevent the forfeiture.

It has been further argued that the words "arrears of estates under attachment" must refer to estates, the whole of which are under attachment, and that if any portion or any share of an estate, however small, is not under an attachment, the clause does not apply. In their lordships' opinion, this would be to place again an unduly narrow construction and to limit the meaning of plain words. It appears to their lordships that an estate, any portion of which is under attachment, cannot be said to be free from attachment, and is, in fact, subject to attachment. The reasons why the Legislature should direct information to be given to a creditor would apply as much to the case of the creditor having a lien on a small, as to one having a lien on the whole or a large part of the estate.

Entertaining this view, their lordships are of opinion that the judgment of the High Court was right, and they will humbly advise Her Majesty that this judgment be affirmed and the appeal dismissed, with costs.

OFFICIAL PAPERS.

IMPROVING THE BREED OF HORSES IN COIMBATORE DISTRICT.

Proceedings of the Madras Government, Revenue Department, 13th December 1873.

Read the following :—

Proceedings of the Board of Revenue, dated 27th May 1873, No. 872.

Read the following letters :—

From A. WEDDERBURN, Esq., Collector of Coimbatore, to J. GROSE, Esq., Secretary to the Board of Revenue, dated 13th December 1872, No. 201.

WITH reference to the further employment of the two Government horses, Sultan and Rajah, I have the honour to report, for the information of the Board; that I do not think their further continuance in this district will be of much use. Of mares covered by the Arab "Sultan," only four foals have been produced, and to the Pony, "Rajah," nine foals.

2. The Arab is niether successful as a stallion nor is he of a good style: heavy neck, straight shoulder, small below the knee; his progeny would not have good working points. The pony, however, is almost perfect in shape; but falls off in the hind quarters. As the horses are in little demand, it would be well to ascertain if they would be wanted in other districts.

From the same Officer, dated 29th April 1873, No. 62.

In your official Memorandum, No. 102, of 27th January 1873, I am called on to forward a copy of the Stud Register of the stallions, "Rajah" and "Sultan," closed up to 31st December 1872; and in G. O., No. 203, of 20th February 1873, the Government have called for a report on the result of the experiment with a statement of receipts and charges.

2. A statement showing the number of mares served by the stallions up to end of December 1872, is herewith forwarded, which shows that eleven out of sixty-one mares covered by "Rajah" and five out of forty-three served by "Sultan," total sixteen, have foaled (ten colts and six fillies); and eight more mares (four by each of the stallions) are in foal.

A statement of the receipts and charges is also appended. The following abstract shows the financial result, &c., in one view :—

STALLIONS.	Number of Mares covered.	Number of Foals dropped.	Number of Mares in Foal.	Amount of Fees collected.	Cost of feed and keep.	RS. A. P.		
						RS.	A.	P.
<i>Rajah.</i> Up to end of December 1872 ... January to March 1873 ...	61	11	4	152 8 0	165 0 0	152	8	0
	5	...	2	12 8 0		12	8	0
<i>Sultan.</i> Up to end of December 1872 ... January to March 1873 ...	66	11	6	215 0 0	230 0 0	215	0	0
	43	5	4	15 0 0	395 0 0	15	0	0
	3	...	...			230	0	0
	46	5	4			395	0	0
Total ...	112	16	10			1,097	3	8

ENCLOSURE No. 1.—Copy of Stud Register of the Government Stallions.

ENCLOSURE No. 2.—Statement of Receipts and Charges.

The Board regret to see that the experiment of Government stallions in Coimbatore has proved a failure. They resolve to submit the Collector's letter to Colonel Thompson, Remount Agent, and to request him to favour them with his opinion as to the cause of the failure.

2. They will also request Mr. Sullivan's opinion on the same point; he is further requested to state whether there is any likelihood

of some of the mares returned barren having really dropped foals and the fact being left unrecorded.

Proceedings of the Board of Revenue, dated 12th July 1873, No. 1,270.

Read again Board's Proceedings, dated 27th May 1873, No. 872.

Read also the following letter from Colonel T. THOMPSON, Remount Agent, Oosoor, to J. GROSE, Esq., Secretary to the Board of Revenue, dated 14th June 1873, No. 111.

I have the honour to acknowledge the copy of Proceedings of the Board of Revenue, No. 872, dated 27th May 1873, forwarding copies of the "Stud Register" and of the "Statement of Receipts and Charges," from December 1870 to March 1873, of two Government sires employed in the Coimbatore District, and requesting my opinion as to the cause of failure of experiment.

2. I have looked over these papers carefully, and cannot coincide in the opinion expressed by the Board that, as an experiment, it has proved a failure. On the contrary, I think the results very encouraging.

3. These papers show that there are 112 mares in the district sufficiently good to induce the owners to wish to have foals from them by superior sires, and 112 natives sufficiently enlightened to risk money, although in small sums, it is true, on the chance of getting better produce from these sires than they had been getting before without payment.

4. Then, as to the financial bearing of the case, the district has an addition of 16 far better horses than they otherwise would or could ever have had, with the prospect of 10 more, total 26, for a charge upon its local funds, spread over two years, of Rupees 702, exclusive of the interest on outlay of thirteen hundred rupees, cost of sires.

5. The personal interest of the mare-owners of the district can hardly be stimulated *practically*, till some of these 26 colts and fillies come into the market three years hence, and realize, as no doubt some of them will, a greatly enhanced price over the Tats of former years; but if, meanwhile, all the Civil authorities of the district use their best energies, as they should do in so good a work, there can be no reasonable doubt that the fact of the birth of these 26 foals will encourage their owners, and most likely an increased number of other mare-proprietors to avail themselves of the services of the sires meanwhile; and so by the time any of the young stock become saleable, there would be probably nearly one hundred greatly im-

proved and much more valuable horses in the district, at an annual cost, for a few years, of a few hundred Rupees.

6. If a small outlay like this be considered sufficient to crush an experiment of this nature, from which such great results may accrue, what hope can there be of any improvement in the agriculture or cattle-breeding of this country, or how can it ever be improved? Without some expenditure of money to show results *practically* as these superior horses will show, theoretical farming and lecturing is merely waste of time and money.

7. To show the Board that I am not wrong in looking upon the result of this experiment as far as it has gone as a success, I forward, for their perusal, to be returned as I have no duplicate, the "Stud Return" of a similar experiment under the Bombay Government, for 1867-68, the only one I have, from which it will be seen that the produce of 42 sires, covering 1,040 mares, was only 141 foals, or about $3\frac{1}{2}$ foals to each sire and $13\frac{1}{2}$ to each 100 mares; and yet, instead of being deterred by this small result, the breeding has been still carried on and expensive horses are constantly added to the stud.

8. It will be seen further that several of these Bombay sires covered upwards of 20 mares, some upwards of 30, and one up to 43, without getting a single foal; and yet these results, not after a mere trial of two years, but after many, have not been considered sufficiently discouraging to stop the expenditure, or rather loss, which must be very heavy, comparatively speaking, in keeping up a stud of 57 sires.

9. But I am greatly averse to the selection of Arab sires both on account of the first heavy outlay in their purchase and their unfitness to improve the breed of horses in India.

10. Every animal of the equine species indigenous to India has plenty of blood and endurance, but none of them, except the *large* Persian and Heratee, are of sufficient size as to height or substance or bone to make them really valuable animals for the riding and draught required of them, more particularly for Military purposes, which after all should be the object principally and steadily kept in view by Government in all these experiments.

11. By the above, I mean that the Arab, Kattiawar, Mahratta, Pegue, Acheen, Mysore bred, and last of all the Madras Jutka Tat, wherever he may spring from, have all, and the last most of all immense powers of endurance, showing true blood; but all of them are deficient in size and power to carry moderately heavy men long journeys comfortably, or to draw large or heavy conveyances.

12. Now it is against common sense to think that from mares, such as Coimbatore principally has on hand, running from 14 hands down to 12 hands, and "with traces of good blood in them," which I take to mean a deficiency of bone, and either a highly bred Arab of 14 hands or a pony lower still, any great improvement can be carried out: the produce will be only blood-ponies, however good they may be; and horses are what we want in Madras.

13. All the correspondence about this experiment took place whilst I was in England from May 1869 to November 1870; and the first thing I knew of it was a note from Mr. Garstin, saying Government had approved of his Arab horse as a sire for Coimbatore, and that he had been passed sound by a Veterinary Surgeon at Bangalore, and he was sent out here to me to forward to Mr. Sullivan, which I did, without passing any opinion on him, as I considered the matter had been taken out of my hands.

14. But had I been consulted, I should have proposed, instead of one or two high-priced Arabs, the purchase of half a dozen of stout, large-limbed, well made Persian or northern cobs, at about 400 Rupees each; that would have combined in the produce the sire's bone and substance with the dam's blood; and then having succeeded in a few years in getting stout, large-limbed but low horses and mares, taller sires could have been gradually introduced, and so the breed of really serviceable, full-sized horses might have been hoped for, and six such horses, in ten years, would have changed the whole breed of the light, well-bred but comparatively useless ponies, generally bred in the Madras Presidency. Blood is not what we want, but bone.

15. Many causes combine to keep down the number of foals as compared with the number of mares registered as covered; as for instance, many of the mares may be too old.

Some of them no doubt are barren; some may have been *too low* in condition; in fact, "poverty stricken," so to speak; many of them were most likely *too fat*,—a very fertile source of failure; and a great many have been out of season from the length of time taken up in marching them to the horse's station, or before the horse arrived at their villages; but it is gratifying to know that in comparison with the Bombay return of $13\frac{1}{2}$ foals per cent to mares covered, the Coimbatore experiment shows a greatly increased average.

16. It was to avoid the necessity of moving the mares long distances to the stallion stations, or *vice versa*, and so running the chance of the mares going out of season, that I would have proposed the establishment of six stallions,

one at each of the chief mare-villages or taluks in the district, instead of only two, which must cause a necessity for long marches to a vast proportion of the mares covered.

17. It is greatly to be regretted that Mr. Sullivan was not able to carry through, for some years at least, an experiment set on foot by his own exertion, and in which he would naturally have taken the deepest interest.

ENCLOSURE No. 1.—Order of Government, dated 21st July 1869, No. 2,683, Military Department.

The Board resolve to request Mr. Hunter-Blair, Colonel Napier Campbell, and Mr. Robertson, to favour them with such remarks as may occur to them on perusal of the above Proceedings and Colonel Thompson's letter. They will be obliged accordingly if the above-named gentlemen will answer this reference as soon as convenient.

Proceedings of the Board of Revenue, dated 28th August 1873, No. 1,684:—

Read again Board's Proceedings, dated 27th May 1873, No. 872, and 12th July 1873, No. 1,270.

Read also the following letters:—

From A WEDDERBURN, Esq., Collector of Coimbatore, to J. GROSE, Esq., Secretary to the Board of Revenue, dated 22nd July 1873, No. 150.

I have had the honour to receive a copy of Colonel T. Thompson's letter regarding the Coimbatore stallions, and am glad to learn that he does not consider the experiment, so far as the limited space of two years is concerned, as unsuccessful.

2. I was, of course, not aware that such low results as $13\frac{1}{2}$ of foals to 100 mares covered at Bombay was considered sufficiently satisfactory returns for the outlay.

3. However that may be, I desire, in reference to Colonel Thompson's remarks in paragraph 17, to inform Government that I have taken the greatest interest in the welfare and working of the horses, which I found out in the district with their feet nearly destroyed by their shoes not having been changed, since when they have been always left unshod, to their great benefit.

4. I have consulted each Tahsildar where the horses would best go on tour which was duly advertised, so that mares had not to go long distances to be covered, neither had the horses which remained at the cusbah station.

The horses have always been in first-rate condition. There was no selection of mares except with reference to size, as to horse or pony, but all that came, which were not many, were served, otherwise there would have been dissatisfaction. Those which I personally saw were neither too fat nor too lean, and the owners, at least, hoped for some results for their money. I may have my own views about their suitability, and have expressed the same as regards bone, &c.; but, as property of Government committed to my charge for the benefit of the people, I beg to assure Government that there is no foundation for the implication of want of either interest or exertion on my part as is made in paragraph 17 adverted to of the said letter of Colonel Thompson.

From H. E. SULLIVAN, Esq., Acting Collector of South Arcot, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Vannur, 8th July 1873, No. 235.

I have to express my regret that the Board's Proceedings, dated 27th May, No. 872, should so long have remained unanswered. I have been much engaged, and was unable to take up the matter before.

2. Although the results of the experiment undertaken for improving the breed of horses and ponies in the Coimbatore District are not quite so favourable as I anticipated they would be, I do not think that the attempt can fairly be said to have failed. The fact that the owners of mares in the district have paid nearly Rupees 400 in fees to have them covered shows that there is a desire among the people to improve the quality of their stock. Nor do I think that the stallions are entirely responsible for the failures. There are such animals as barren mares, and failures resulting from miscarriages, or the mares or foals dying, should not be placed to the discredit of the stallions which have shown themselves capable of begetting foals. One cause of failure may, I think, be traced to the owners of mares being often in too great a hurry to allow their animals a chance of becoming stinted. A mare covered once when just coming into season, or just going out, will rarely become so; but a ryot who has left his village on some particular business for a day or two often cannot spare the time to wait, and, the mare having been once covered, he returns home and takes his chance of her having become stinted. This happened on more than one occasion when I was in charge of the district. To ensure a reasonable chance of success a mare should be covered three times at intervals of two days.

3. With reference to the Board's suggestion that foals might have been dropped and the

fact not reported by the owners of the mares, I should have said that such was very likely to have been the case in some instances had not Mr. Wedderburn recorded the results as "unsuccessful," and, of course, he satisfied himself on this point.

4. I had always intended, had I remained in charge of the district, to have sent the stallions into the Salem District after they had made a tour of Coimbatore, and, if I remember right, this formed a part of my original proposal. If there is not a demand, as stated by Mr. Wedderburn, for the services of the horses in Coimbatore, I would suggest these being sent for a tour through the Salem District. But I should think that at least those owners whose mares dropped foals to the stallions last year would be glad to avail themselves of their services again, and I also beg to point out that, judging from the register, neither of the horses appear to have visited the Bhowany, Suttiamungalum, and Collegal Taluks, and in the Caroor Taluk only one mare seems to have been covered at Aravacoorchy, which is just on the borders of Dharapuram. This was by the "Sultan" between the 6th and 9th February, and on the 13th he was back again at Palladam, never having visited the cusbah. The stallion "Rajah" was never in the taluk at all.

5. In conclusion, I think it very probable that many mares have been covered surreptitiously with the connivance of the horse-keepers as the horses were passing through the villages, which, of course, have not found a place in the register. This is to be regretted in a financial point of view; but, if thereby some good blood has been introduced into the district, the object Government had in sending the stallions has been furthered. In regard to the make and shape of "Sultan," which Mr. Wedderburn condemns, I do not myself think he is perfection; but he was selected by Colonel Thornhill, an excellent judge, as good enough for the purpose.

6. The enclosures (two) to the Proceedings under reply are returned herewith.

From J. HUNTER-BLAIR, Esq., Collector of Sea Customs, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Madras, 24th July 1873, No. 799.

I have the honour to acknowledge receipt of Board's Proceedings, No. 1,270, of 12th July 1873, forwarding copy of Board's Proceedings, No. 872, of 27th May 1873, and requesting me to favour the Board with remarks on the subject therein referred to.

2. I agree with the Board in considering the experiment a failure as far as it has been tried and looking at it in a financial point of view.

3. But I do not think the experiment has had a fair trial, nor do I think it ought to be considered financially at present.

4. On the first point, no experiment in horse-breeding can be said to have had any trial at all which has only been carried on for about two years. None of the foals are yet more than a year old, if so much, and the owners of the mares by which these foals have been dropped cannot yet tell whether the produce of the Government stallions is better than that of the stallions which served the same mares on previous occasions. If the foals turn out well, these men, and their friends also, will go on sending their mares to stallions provided by Government even though they have to pay covering fees, and I have little doubt that these foals will be superior to the former ones.

5. The experiment, whether carried on with the same stallions or others, should certainly be continued for at least three or four years, so that the stock produced might be compared with former produce of the same mares.

6. Financially speaking, I think the expenditure of a few hundred, or even 1,000 Rupees, annually, from Local Funds on improving the breed of horses in a district is a very proper charge thereon.

7. Improvement of the breed of horses of a country is really improvement of the means of locomotion, and, if you really improve the horses, locomotion is improved almost as much as by making roads.

8. With reference to the management, class, and number of stallions required for the Coimbatore District, I do not gather from the papers whether the stallions travelled or were stationary. I certainly think the latter the best plan, as they should be kept at stations where some European Officer would superintend their management, &c. Of course, they should only

See Colonel Thompson's letter, paragraphs 15 and 16. mares during certain months of the year, if in proper condition, &c., &c.

9. As to class, I do not think breeding from a pony-stallion of any practical use. The Arab I have never seen; but if he is a stout, powerful horse he might be kept for mares about his own height.

10. The best class of stallion, I consider, would be a stout, powerful Arab, Gulf Arab or real Persian galloway of 13-2' or 3', fit to carry a fourteen-stone man, with good shoulders, straight quarters, and large bone.

11. I agree with Colonel Thompson so far that good blood is not only not required but prejudicial, as the mares are certain to have an

ample share of that quality; but I entirely disagree with him as regards northern cobs, which are, I think, the worst class of horse brought to India.

12. As regards the number of stallions, as I would only keep them at stations where some European Officer could look after them, that point could be settled in communication with the Collector.

13. If the present Collector does not take a personal interest in horse-breeding, I think Mr. Grimes, the Superintendent of the jail, would gladly superintend the management of the experiment in Coimbatore.

From W. R. ROBERTSON, Esq., Superintendent of Government Farms, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Sydapet, 17th July 1873, No. 526.

With reference to the Board's Proceedings, No. 1,270, dated 12th July 1873, I have the honour to state that I agree with Colonel Thompson in thinking that the result of the experiment with Government stallions in the Coimbatore District is not discouraging, making due allowance for the difficulties to be overcome in this country in carrying out such an experiment. The percentage of failures is certainly very large, but this was to be expected.

2. The energies of the horses were certainly not overtaxed. It is not at all unusual in England for a stallion to serve sixty mares in a short season of less than three months; indeed, when a stallion has to travel a district under the conditions attached to a prize he may have won at an agricultural show it is generally stipulated that he must serve forty mares (if offered), sometimes as many as fifty in the season.

3. It is highly improbable that the owners of the mares in Coimbatore adopted any of the precautions that need to be observed in the treatment of mares in preparation for the reception of the horse—precautions which require to be all the more strictly observed with mares that have been house-reared and are in regular work. But the necessity for the exercise of care in the treatment of their mares, immediately before, and just after, being served by the horse, must in time become apparent to the owners of the mares and then results of a more satisfactory kind will be obtained. There is no duty connected with farming which demands greater care and the exercise of higher intelligence than the management of brood mares at such times.

4. I am not aware whether a "season" is observed in the Coimbatore District as the

most desirable time for putting mares to the horse in order that the foals may fall at a favourable time of year. If such a season is observed there seems no reason, providing that proper supervision can be secured or really trustworthy grooms can be obtained, why the horses should not travel during the season in the localities in which their services are in most request.

5. It might be well to increase the number of stallions to six as proposed, and to station one for two or three months in each of the chief divisions of the district, and to return them again to the Stud Depôt until the following season; but the propriety of doing this will greatly depend upon the amount and kind of supervision that can be brought to bear on the grooms in charge of the horses.

6. The horse, in common with all the live stock of this country, shows marked signs of degeneracy, and this is more especially seen in the deficiency of bone. While this defect may, to some extent, be attributed to want of care in breeding from unsuitable animals, it is, I think, chiefly due to insufficient and innutritious food—food especially deficient in bone phosphates.

7. In most countries the size of the horse has much to do with the pasturage of the district in which it is reared. Thus, in England and in Scotland, on the rich pastures of Suffolk, on the land along the banks of the Clyde, and on the fens of Lincolnshire, we find breeds of large horses—the Suffolk Punch, the Clydsdale, and the Lincoln or Dray Horse of the London Brewer.

8. But, as I have had occasion to observe over and over again, if the ryot is to improve the size and quality of his live stock, either horses or cattle, he must improve his general farming; must raise a more nutritious and a more abundant supply of food for his live stock, or the greater size of the animals he breeds will tend only to their more rapid deterioration.

From Lieutenant-Colonel N. G. CAMPBELL, R. A., to J. GROSE, Esq., Secretary to the Board of Revenue, dated Bangalore, 29th July 1873.

I have the honour to acknowledge the receipt of copy of the

* No. 872, of 27th May 1873.

† No. 111, of 14th June 1873.

‡ No. 1,270, of 12th July 1873.

receipt of copy of the Proceedings* of the Board of Revenue with copies of a letter† from the Remount Agent and Proceedings of the Board.‡

2. I am not acquainted with the precise object Government had in view when they purchased the stallions referred to in the above-named documents for the Coimbatore District, and in the absence of such information I shall presume that the end contemplated was merely the improvement in the breed of horses and ponies which are in general use with the people of the district.

3. If this was the object of the experiment I must concur with the Remount Agent in the opinion that sufficient time has not been allowed for such an experiment to be properly tested or so thoroughly made as to testify an adverse judgment on it being fairly pronounced.

4. In my humble opinion, both the Collector of Coimbatore and the Board of Revenue condemn the experiment for an insufficient reason. If I read correctly they appear to have been disappointed in the number of foals that have been dropped during the first two years of the employment of the stallions, and simply on this account have pronounced the experiment to have been a failure.

5. The Remount Agent, however, properly draws attention to the comparative success of these Coimbatore stallions by a reference to a report on the Bombay Studs, and I think he demonstrates that, if the number of foals produced is to be the test of the success of the experiment, it has been prematurely condemned.

6. On this point I agree with Colonel Thompson. Comparing the procreative feats of "Sultan" and "Rajah" not only with those of the stallions employed at the Bombay Stud, but also with the results reported in the official account of some of the Bengal Studs, I am of opinion that these animals have both fulfilled their respective tasks sufficiently well to save either from the severe reproach cast by the Collector of Coimbatore on the vigour of the horse, for it is to be remembered, that other causes besides the want of capacity on the part of the Master of an Equine Harem operate to prevent conception. Some of these causes Colonel Thompson refers to in paragraph 15 of his letter, and I have no doubt that in this country most of the mares are in too low a condition to allow of their justifying the efforts of their stallions.

7. The trial now being made is not costly, its aim an important one, and I think, therefore, that the arguments advanced by the Remount Agent in paragraphs 3, 4, 5, and 6 of his letter should be regarded as sufficiently potent to induce the Government to lengthen the period of probation.

8. I concur with Colonel Thompson as to the propriety of employing stallions of the form and breed referred to by him in paragraph 10 of his letter, except that I incline solely to the Persian horse for choice. Of the Northern Cob I entertain an evil opinion, and regret I cannot regard him with the favour in which I am aware he is held by the Remount Agent.

9. In recommending, however, a continuance of the experiment now under review, I must be understood to do so simply because, as it has been commenced, I think it should be fully tested, so that in the event of failure it may not be repeated save under very altered circumstances. Its success I do not expect, nor do I believe that in the existing agricultural state of Southern India will the anticipations of the Remount Agent be realized or any appreciable improvement in the breed of the horses and ponies of the country be brought about from the letting out by Government of stallions to serve the mares owned by the people of the country.

10. To produce and keep up a good and serviceable breed of horses the mere foal-getting is the simplest part of the work. Every experienced and scientific breeder of horses knows that proper food and nourishing pasture are essential for the creation, up-rearing, and continuance of that class of horses which alone it can pay the mare-owner to raise.

11. In Southern India I do not know of any land adapted to produce such food or pasture, and I look to an improved system of farming as the first step that has yet to be taken to prepare the way for providing that nourishment on which, possibly, at a future but yet distant time horses may be successfully bred in this Presidency. The appointment to districts of scientific farmers possessing the abilities and energy of the present Superintendent of the Sydapet Farm would more certainly tend to the final attainment of success in horse breeding, if it ever is to be attained in Southern India, than the scattering over the

country in its present state any number of stallions from Shiraz or Herat.

12. Entertaining, as I do, the above opinions on the subject of improving the class of horses employed by the people of the country, it is scarcely necessary for me to add that I deprecate any attempt being made to breed horses in Southern India for military purposes.

If this should be the object "principally and steadily kept in view" by Government in the experiments under discussion, it appears to me so distant of attainment that I may express a hope that when gained there will, in the Madras Presidency at least, be but little need of horses of that class.

13. Any attempts to breed horses in India for military purposes with hope of immediate success are, I believe, possible only in some northern portions of our Indian Empire.

14. In the meantime, not as examples to imitate but as warnings to deter from the useless and extravagant expenditure of public money, we may study the reports of the Bombay and Bengal Studs and be content to look to our Australian Colonies as our safest, best, and most economical horse-market, from which, under the judicious and experienced judgment of Colonel Thompson, the mounted branches of the Madras Army have been, and are, so efficiently horsed.

In answer to the reference contained in G. O., dated 20th February 1873, No. 203, Revenue Department, the Board submit the above correspondence to Government with the following remarks.

2. The Board are glad to find that their apprehension that the experiment must be considered a failure was not well grounded; on the contrary, some good has been done, and the Board would even advocate that the scale of the experiment should be extended.

3. It may be expected that the foals which have already been bred will be a good advertisement for the stallions in the district and that an increased number of mares will be sent to them. The management of the mares is probably faulty in every respect; it has been

the practice to allow them to run loose or in hobbles over the village tank-bed and waste, and to take no care either to mate them suitably or to feed the colt. Now that the owners have paid a covering fee they will take more care of their young stock, and the success sure to attend even a few trials of careful rearing and good food will urge those who witness it to follow the example.

4. Mr. Hunter-Blair and Lieutenant-Colonel N. G. Campbell are averse to the employment of Persian or Northern Cobs as stallions, and the Board entirely agree with them on this point. The horses to be used should be not more than half a hand higher than the mares they will have to serve, and should be Arabs or Gulf Arabs with good action and as much weight-carrying power as possible.

5. Two more horses of this stamp might, in the opinion of the Board, be usefully employed in Coimbatore and Salem and might be procured in Bombay. The Board believe that the ryots may be expected to learn that more care than has hitherto been taken is necessary to ensure that their mares are stinted when sent in to one of the stallions. The best stations for the stallions would probably be Coimbatore, Kongayam or Erode, Kistnagheri or Darampuri, and Oosoor.

6. The Board would be able to arrange for the selection of two suitable stallions in Bombay should the Government grant their sanction.

Minute by the Hon. W. ROBINSON, C.S.I.
(Here enter 19th November 1873.)

Minute by the Hon. J. D. SIM, C.S.I.

Minute by the Right Hon. the GOVERNOR.
(Here enter 27th November 1873.)

Order thereon, 13th December 1873, No. 1,422.

The Government do not consider any further extension of the experiment desirable, but sanction its continuance for another year on the present scale.

2. They are of opinion that the fees for ser-

vice should be raised, so as more nearly to meet the expenditure incurred.

(True Extract.)

(Signed) D. F. CARMICHAEL,
Secretary to Government.

EXCISE DUTY ON COUNTRY BREWED BEER.

Proceedings of the Madras Government, Revenue Department, 1st December 1873.

Read the following Proceedings of the Board of Revenue, dated 1st October 1873; No. 1,981:—

Read the following letters:—

From J. H. MASTER, Esq., Collector of Bellary, to J. GROSE, Esq., Secretary to the Board of Revenue, dated 7th July 1873, No. 219.

As directed in G. O., No. 572, dated 4th June 1873, communicated by the Board of Revenue with their endorsement dated 25th idem, I have the honour to submit a report on the working of the beer excise system generally during the Revenue year ending 30th June 1873.

2. The licenses are, with slight alterations and amendments, granted in accordance with the Forms K. and H. appended to Standing Order, No. 198, Dalyell's Edition. The words "all spirituous and fermented liquors other than those included in the Abkarry Farm" in the 1st paragraph of the license under Form K. are altered into "beer." The conditions referred to in the Proceedings of the Board of Revenue, No. 869, dated 31st May 1872, relative to the payment of an excise duty of 1 Anna per Imperial gallon on all beer leaving the factory, and to the prohibition of the use of more than 8 per cent of alcohol, are appended to the conditions of the license under Form H.

8. As the excise system was, under the instructions of the said Proceedings, commenced from the 1st July 1872, the Return of the total collections under this head is herewith furnished up to the end of the year, viz., to the 30th June 1873.

4. In the town of Bellary the persons named in the
Messrs. Norton and Co. margin have
,, D. and M. Abraham. been licensed
to manufacture
and sell beer.

5. The number of shops opened by Messrs. D. and M. Abraham in the town of Bellary for the sale of beer by retail is six, whereas Messrs. Norton and Co. have not only opened twelve beer shops in the town but also have obtained fifty licenses for outlying towns within the limits of this district.

6. The system adopted in granting permits is as follows: The permit is in the form of a cheque book: the particulars entered on each of the parts are the name of brewer, quantity of beer, locality to which the beer is to be sent, and the time allowed for the permit to be in force, all, except those granted for places on the railway or beyond the district, being returnable to this office.

7. Applications bear a 1-Anna Court Fees Stamp. The time allowed for the permits to remain in force in the town of Bellary is about seven or eight hours; but, for the outlying towns, time according to the distance is allowed.

8. The accounts ordered to be kept by the brewers under the orders of the Board, conveyed in the said Proceedings, were examined by the Assistant Collector, Mr. Davies, in the month of December last, and the report furnished by him shows that they were correct with one exception, viz., that in each brewery one barrel in excess of the number the permits granted had been issued. This was, however, satisfactorily accounted for, and I have no reason to suspect that either of the brewers sends more beer away than his permits show.

9. The District Superintendent of Police has been furnished with the particulars of the number of licenses granted to the brewers and of the names of places where they have been licensed. The casks which are in use are obtained from the Commissariat Department, and each contains fifty-two Imperial gallons.

The amount of excise duty collected on a single cask is Rupees 3-4-0.

10. The subjoined abstract shows the sales of the two breweries during the period under review:—

Months and Year.	Casks.	Gallons.	Excise.		
			RS.	A.	P.
July 1872...	46½	2,482	155	2	0
August „ ...	64½	3,354	209	10	0
September „ ...	77½	4,030	251	14	0
October „ ...	83	4,316	269	12	0
November „ ...	74½	3,874	242	2	0
December „ ...	67	3,484	217	12	0
January 1873...	67	3,484	217	12	0
February „ ...	76	3,952	247	0	0
March „ ...	88½	4,602	287	10	0
April „ ...	86	4,472	279	8	0
May „ ...	74	3,848	240	8	0
June „ ...	91½	4,758	297	6	0
Total ...	896	46,656	2,916	0	0

Out of these 896 casks or 46,656 gallons of beer the two manufacturers have sold 615 casks or 32,044 gallons of beer in the town of Bellary, and 186 casks or 9,672 gallons of beer have been sold by Messrs. Norton and Co. in the outlying towns of this district, and 95 casks or 4,940 gallons of beer have been transported to towns beyond the limits of this district.

11. Copies of the Proceedings of the Board of Revenue, dated 25th June 1873, on the subject of their beer containing a prohibited amount of alcohol have been furnished to the brewers for their future guidance.

ENCLOSURE No. 1.

Return showing the particulars of Total Collections under the Beer Excise System during the Revenue year, 30th June 1873.

MONTHS.	MESSRS. D. AND M. ABRAHAM.				MESSRS. NORTON AND Co.								Total No. of Casks sold by the two Brewers.	Quan- tity.	Amount.						
	In the Town of Bellary.				In the Town of Bellary.				In Towns within the limits of the District of Bellary.							In Towns beyond the limits of the District of Bellary.					
	Casks.	Rate.	Excise.	RS. A. P.	Casks.	Rate.	Excise.	RS. A. P.	Casks.	Rate.	Excise.	RS. A. P.				Casks.	Rate.	Excise.	RS. A. P.		
1872.	16	56 0 0	22 1 0	73 2 0	8	26 0 0	48 12 0	13	42 4 0	13	26 0 0	61 12 0	8	26 0 0	39 0 0	26 0 0	13 0 0	46 1 0	2,482	155 2 0	
July	11	35 12 0	25 1 0	82 14 0	15	48 12 0	61 12 0	13	26 0 0	13	42 4 0	61 12 0	8	26 0 0	39 0 0	26 0 0	13 0 0	64 1 0	3,854	209 10 0	
August	13	42 4 0	37 1 0	121 14 0	19	61 12 0	61 12 0	12	26 0 0	12	39 0 0	61 12 0	8	26 0 0	39 0 0	26 0 0	13 0 0	77 1 0	4,030	251 14 0	
September	18	58 8 0	34 1 0	110 8 0	19	61 12 0	81 4 0	8	26 0 0	8	32 8 0	81 4 0	8	26 0 0	39 0 0	26 0 0	13 0 0	83 1 0	4,316	269 12 0	
October	15	48 12 0	26 1 0	86 2 0	25	32 8 0	32 8 0	4	13 0 0	4	16 4 0	32 8 0	5	16 4 0	45 8 0	32 8 0	22 12 0	74 1 0	3,874	242 2 0	
November	18	58 8 0	35 1 0	113 12 0	10	58 8 0	45 8 0	14	32 8 0	14	45 8 0	39 0 0	10	32 8 0	22 12 0	19 8 0	26 0 0	74 1 0	3,484	217 12 0	
December	16	52 0 0	28 1 0	91 0 0	18	58 8 0	45 8 0	14	32 8 0	14	45 8 0	39 0 0	10	32 8 0	22 12 0	19 8 0	26 0 0	67 1 0	3,484	217 12 0	
1873.	13	42 4 0	35 1 0	113 12 0	14	45 8 0	39 0 0	10	32 8 0	10	45 8 0	39 0 0	10	32 8 0	22 12 0	19 8 0	26 0 0	67 1 0	3,484	217 12 0	
January	18	58 8 0	48 1 0	157 10 0	12	39 0 0	48 12 0	7	22 12 0	7	22 12 0	48 12 0	6	19 8 0	19 8 0	26 0 0	91 1 0	88 1 0	4,602	287 10 0	
February	19	61 12 0	45 1 0	146 4 0	15	48 12 0	48 12 0	7	22 12 0	7	22 12 0	48 12 0	6	19 8 0	19 8 0	26 0 0	91 1 0	88 1 0	4,602	287 10 0	
March	16	52 0 0	45 1 0	146 4 0	7	22 12 0	48 12 0	6	19 8 0	6	19 8 0	48 12 0	6	19 8 0	19 8 0	26 0 0	91 1 0	88 1 0	4,602	287 10 0	
April	15	48 12 0	44 1 0	144 10 0	24	78 0 0	78 0 0	8	308 12 0	8	308 12 0	78 0 0	8	308 12 0	78 0 0	26 0 0	91 1 0	88 1 0	4,602	287 10 0	
May	15	48 12 0	44 1 0	144 10 0	24	78 0 0	78 0 0	8	308 12 0	8	308 12 0	78 0 0	8	308 12 0	78 0 0	26 0 0	91 1 0	88 1 0	4,602	287 10 0	
June	15	48 12 0	44 1 0	144 10 0	24	78 0 0	78 0 0	8	308 12 0	8	308 12 0	78 0 0	8	308 12 0	78 0 0	26 0 0	91 1 0	88 1 0	4,602	287 10 0	
Total	188	615 0 0	427 1 0	1,387 12 0	186	604 8 0	95 1 0	95	308 12 0	95	308 12 0	604 8 0	95	308 12 0	604 8 0	95 1 0	95	308 12 0	896	46,656	2,916 0 0

(Signed) J. H. MASTER,
Collector.

From J. R. COCKERELL, Esq., Commissioner of the Neilgherries, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Ootacamund, 22nd August 1873, No. 73.

With reference to G. O., Revenue Department, No. 572, dated 4th June last, requiring a brief report for the information of Government on the working of the beer excise system generally on the Neilgherry Hills, I have the honour to state that there are on the Hills two breweries.

2. The larger of these breweries is situated in the Kaity Valley and is four miles from Ootacamund. This brewery belongs to a Mr. Honeywell, who was a Soldier in the 2nd European Light Infantry and purchased his discharge in 1844. He established the brewery in 1857 under a license granted by the Collector of Coimbatore. This license imposed no restrictions with respect to the alcoholic strength of the liquor brewed. The sole restriction was the limitation of the number of shops in which the beer could be exposed for sale. Mr. Honeywell established shops in Ootacamund, Kandal, Coonoor, and Kotagherry. His charges were $4\frac{1}{2}$ Rupees a dozen for bottled beer in quarts and 4 Annas a quart for draught beer. In 1864 Mr. Honeywell established shops at Burliar and Wellington. The arrack contractors complained from the beginning of the privileges granted to Mr. Honeywell, but the complaints were ineffectual. In 1864 Mr. Honeywell received a license under Act III of 1864, and licenses were taken out for all the shops.

3. In 1869, for the first time, restrictions were placed on Mr. Honeywell in regard to the strength of the beer brewed. He was allowed only five per cent of alcohol. He had been accustomed to brew up to eight per cent.

4. Mr. Honeywell is unable to tell me his annual sales between 1857 and 1869. He kept memoranda but no books. Such of the memoranda as remain Mr. Honeywell has produced, but they convey no information either to Mr. Honeywell himself or to me. Mr. Honeywell explains that books are not essential to his business because the business is for ready money. He is no great penman, and, therefore, has always found it easier to keep his current accounts in his head than to record them on paper. The magnitude of the business at present, however, requires books of the sales, and these are regularly kept.

5. When restrictions were imposed in 1869 Mr. Honeywell's sales fell off largely. Mr. Honeywell then reduced the charge for draught beer to 2 Annas a quart. He ceased to bottle beer at all. On the reduction of prices the sales again rose gradually.

6. Last year the excise system was adopted. Mr. Honeywell, by G. O., dated 9th April 1872, No. 578, Revenue Department, was allowed to brew up to eight per cent alcohol, and a duty of 1 Anna per gallon was imposed. Mr. Honeywell's sales since have been as under:—

Months and Year.			Gallons.	Excise.		
				RS.	A.	P.
July	1872	...	5,455	340	15	0
August	"	...	7,938	496	2	0
September	"	...	4,953	309	9	0
October	"	...	7,219	451	3	0
November	"	...	5,251	328	3	0
December	"	...	7,089	443	1	0
January	1873	...	6,282	392	10	0
February	"	...	7,263 $\frac{1}{2}$	453	15	3
March	"	...	8,712	544	8	0
April	"	...	5,163 $\frac{1}{2}$	322	11	3
May	"	...	7,260	453	12	0
Total...			72,585 $\frac{1}{2}$	4,536	9	6

7. Mr. Honeywell's sales were expanding. He told me that he expected the consumption of beer in Madura would reach 100 hogsheads a month and the sales would be large in Trichinopoly, Vellore, and Cuddapah, where he had recently established shops; but the abkarry contractors of the places in question complained of the introduction of beer as injuriously affecting the sale of arrack, and the shops were closed in pursuance of the Government Order under report. Mr. Honeywell informs me that by this Order his sales have been diminished about 100 hogsheads a-month.

8. I should state here that a hogshead contains fifty-four gallons. I explained in a letter in Proceedings of the Board, No. 494, dated 1st April 1873, that there could be no fraud as to quantities with respect to Government, because Mr. Honeywell bought his hogsheads from the Commissariat at Wellington and it was his interest under the excise system to fill them to the bung. The Board desired I should satisfy myself the hogsheads were as I described them by unexpected visits to Mr. Honeywell's brewery. I have paid such visits, and found the hogsheads to be Commissariat hogsheads, and, moreover, that Mr. Honeywell has no means of making casks on his premises or on the hills, and, therefore, the hogsheads he uses are the cheapest he can procure. They each cost Rupees 5-4-0.

9. In my letter in the Board's Proceedings in question I reported that Mr. Honeywell had a book of marked cheques, and that he sent a cheque with each consignment of beer for the

Hills and entered the quantity on the counterfoil, despatching the counterfoils to my office at the end of every month. I stated I had compared the counterfoil with the books of the consignee and found them tally. The Board desired the consignee, as a further check, should be required to send the cheques to my office on receiving consignments. This is now done.

10. With regard to foreign sales, I stated: "The beer is covered by special passes issued for each consignment on each occasion. These cheques are in triplicate—one remains in this office, one covers the beer in transit, and a third this office sends to the Police here."

11. The next point is the quality of Mr. Honeywell's beer. I visited Burliar unexpectedly at Easter and drew off a bottle of beer from the cask on tap. This bottle I sealed up, and, from an inadvertence, I kept it until lately, when Mr. Broughton, at my request, was so good as to analyze the beer. The following is his report:—"It contains 7.09 per cent of alcohol, and is abominable stuff; but it certainly is not drugged at all. It would be bad for both stomach and head of an European, but contains nothing necessarily unwholesome." Some allowance must be made in this case for the time the beer was kept in an imperfectly-corked bottle. Had Mr. Broughton analyzed it when it was fresh he would possibly have found reason to give a better account of it.

12. The Board, in their Proceedings above quoted, directed that analyses of beer should be made from time to time. The precaution is necessary not only to ascertain the alcoholic standard but in justice to drinkers, as the Board are aware there are depreciatory reports alleging the beer to be abnormally intoxicating from the presence of poisonous ingredients. These reports are current not only in Ootacamund but with regard to beer manufactured and sold at Bangalore according to Mr. Honeywell's receipts by a son-in-law of Mr. Honeywell. The Bangalore brewery turns out, Mr. Honeywell tells me, more beer than he is at present able to sell.

13. With regard to the quantity of beer for which he could find customers Mr. Honeywell believes that if he was allowed to find his own market in the plains free from the interference of abkarry contractors he would create a very considerable trade. He says that even his bottled beer is coming into favour, and that if he was certain no restrictions would be placed on him as to markets he would improve the quality and bring it also into extensive consumption.

14. The other brewery on the Hills is that belonging to a Mr. Frend, who was formerly a

Lieutenant in the Army but has long been resident at Ootacamund. Mr. Frend's brewery is near the Marlumund Reservoir. His sales are appended:—

Months and Year.			Gallons.	Excise.		
				RS.	A.	P.
July	1872	...	482	27	0	0
August	"	...	378	23	10	0
September	"	...	594	37	2	0
October	"	...	378	23	10	0
November	"	...	270	16	14	0
December	"	...	378	23	10	0
January	1873	...	378	23	10	0
February	"	...	540	33	12	0
March	"	...	864	54	0	0
April	"	...	810	50	10	0
May	"	...	702	43	14	0
Total...			5,724	357	12	0

The reason the sales are smaller than the sales of Mr. Honeywell may be attributed to Mr. Frend being an amateur while Mr. Honeywell is a professional brewer. Mr. Honeywell is the son of a country brewer, and was sent by his father to learn his business in a brewery at Salisbury.

Submitted to Government as required in G. O., dated 4th June 1873, No. 572, Revenue Department.

2. It is clear that Mr. Honeywell's beer is coming into very extensive use, and that, when the restrictions which it has been necessary, in justice to the abkarry renters, to impose are withdrawn, this beer and that of other similar establishments will pass into general consumption among the native population in large towns. Opinions vary as to the quality of the liquor, but the Board apprehend no serious objection on the score of its unwholesomeness, which may be easily tested from time to time in a more efficient manner than that adopted by the Commissioner. The Board regard it as an advantage for revenue convenience that the duty is levied as an excise, and, if the beer takes the place of toddy, as it ultimately may be expected to do in some places, the system now in force will correspond with that followed at the distilleries already licensed. Collectors will be instructed that in future, when abkarry farms are to be sold, they should duly notify that the sale of beer will be allowed.

3. It is observed that the Collector of Belary states that the casks used there are held to contain fifty-two Imperial gallons and the

contents are excised accordingly. The Board observe that the hog-head properly contains fifty-four Imperial gallons. The Collector is requested to inquire on this point.

Order thereon, 1st December 1873, No. 1,326.

The experimental system of charging an Excise-duty of 1 Anna per gallon upon all country-brewed beer appears to have worked satisfactorily during the past revenue year.

(True Extract.)

(Signed) D. F. CARMICHAEL,
Secretary to Government.

**MADRAS ABKARRY LAW—WHOLESALE DEALERS
RETAILING UNDER COLOR OF SAMPLE BOTTLES.**

*Proceedings of the Madras Government, Revenue
Department, 19th February 1874.*

Read the following letter from J. GROSE, Esq., Secretary to the Board of Revenue, to D. F. CARMICHAEL, Esq., Secretary to Government, Revenue Department, dated Madras, 5th February 1874, No. 224:—

I AM directed to submit that in the Board's opinion an alteration in the law is necessary with regard to Wholesale Dealers in European Spirits, Wine and Beer in the town of Madras.

2. Under Section 5, Act XIX of 1852, sales of European Spirits to the extent of one dozen quart bottles, and of Beer or Wine to the extent of six quart bottles are accounted wholesale sales, and under Section 4 Wholesale Dealers may sell smaller quantities if such quantities appear to the Collector to be intended only as samples. Wholesale Dealers need not take out an Abkarry license.

3. Retail Dealers, on the other hand, must take out a license and the question whether such a license should be issued is determined chiefly with reference to Police considerations, such as the character of the applicant, and the locality where it is proposed to set up the shop.

4. As the law stands any one wishing to be a Retail Dealer who has been refused a license or anticipates a difficulty about getting one, sets up a shop under the pretence of being a Wholesale Dealer, and sells by retail under the color of selling samples, whilst he avoids all Police surveillance.

5. The table given by Mr. Blair, in paragraph 14 of the letter recorded, with Board's Proceedings, dated 19th September 1873, No. 1,877, shows that this state of things has

had the natural result. In 1866 there were 91 places of retail vend for which licenses had been issued, and 226 Wholesale Dealers. In 1873 the Retail Dealers had decreased to 77, whilst the Wholesale Dealers had increased to 449. Most of these so-called Wholesale Dealers were Retail Dealers in disguise.

6. Mr. Blair tried to stop this evasion of the law by ordering that not more than a half pint bottle of spirits should be sold as a sample, but the only effect of this was to make the *pseudo* Wholesale Dealers lay in a stock of half pint bottles.

7. He then applied to the Board for authority to notify that all sample sellers must hold a retail license. The Board thought the difficulty might be met in this way, and allowed the notification. Their Proceedings were submitted to Government, and recorded in G. O., dated 12th December 1873, No. 76, Revenue Department, but in their Order of the 21st January, No. 94, Government ruled that "Wholesale Dealers should not be required to obtain retail licenses as a condition of exercising their legal privileges in respect to the issue of samples."

8. This being decided, the Board are strongly of opinion that the law should be altered so as to make it necessary for Wholesale Dealers as well as Retail Dealers to obtain a license from the Collector. Papers which have already been submitted to Government show that Revenue as well as Police considerations are involved.

Order thereon, 19th February 1874, No. 224.

It is observed that a so-called "wholesale" dealer, selling by retail under the color of selling samples, is liable to a fine not exceeding 500 Rupees for each such sale. It has not yet been shown that it is impossible to work this provision of the law; there should be no insuperable difficulty in detecting such cases, the Abkarry Department under the Collector taking concerted action with the Police for the purpose.

(True Extract.)

(Signed) D. F. CARMICHAEL,
Secretary to Government.

OFFER OF RICE BY MAHARAJAH OF VIZIANAGRAM
FOR FAMINE IN BENGAL.

*Proceedings of the Madras Government, Revenue
Department, 9th March 1874.*

Read the following letter from J. R. DANIEL,
Esq., Acting Collector of Vizagapatam, to
the Hon'ble W. HUDLESTON, Chief Secre-
tary to Government, Fort St. George, dated
19th February 1874, No. 213 :—

THE Maharajah of Vizianagram has written
to me offering to place at the disposal of Go-
vernment rice to the value of Rupees 20,000
to be distributed in the famine-stricken dis-
tricts of Bengal.

2. I have the honour, therefore, to request
the orders of Government regarding the accept-
ance of the generous gift of the Maharajah.

3. The Maharajah offers a further gift of
rice to the value of Rupees 20,000 in the event
of the distress in Bengal increasing.

4. The Maharajah informs me that he will
place the rice at the disposal of Government
at Vizagapatam or Bimlipatam or any place
where Government may be pleased to receive
it. If it were delivered at Bimlipatam it would
be ready for immediate shipment.

5. I must mention that I anticipate diffi-
culty in shipping large quantities of rice by
the ordinary steamers of the B. I. S. N. Com-
pany; the Agents in Calcutta have informed
me that they cannot guarantee tonnage, so
that it may be necessary to send a special
steamer for the conveyance of the rice.

Order thereon, 9th March 1874, No. 327.

Recorded; the offer having been already
accepted and arrangements made for the ship-
ment of the rice.

(True Extract.)

(Signed) C. G. MASTER,
Acting Secy. to Government.

REMISSION OF FEES ON SUMMARY SUITS IN
REVENUE COURTS—ACT VIII OF 1865.

*Proceedings of the Madras Government, Revenue
Department, 14th March 1874.*

Read the following endorsement of the Under-
Secretary to the Government of India :—

Financial Department.

(Separate Revenue—Stamps.)

Fort William, 6th March 1874.

No. 1,511.

Notification.

IN exercise of the powers conferred by Sec-
tion 35 of the Court Fees Act VII of 1870,
the Governor-General in Council is pleased to
remit the whole of the fees chargeable under
Schedule I of the said Act on plaints in sum-
mary suits brought before Collectors under
Madras Act No. VIII of 1865.

(Signed) R. B. CHAPMAN,

Secy. to the Govt. of India.

Copy forwarded to the Government of Mad-
ras, with reference to their letter, No. 137,
dated 30th January 1874.

(By Order, &c.)

(Signed) D. BARBOUR,

Under-Secy. to the Govt. of India.

Order thereon, 14th March 1874, No. 345.

Communicated to the Board of Revenue
with reference to G. O., 30th January 1874,
No. 136.

(True Extract.)

(Signed) C. G. MASTER,

Acting Secy. to Government.

CONDITION OF THE GANJAM DISTRICT.

*Proceedings of the Madras Government, Revenue
Department, 14th March 1874.*

Read the following Proceedings of the Board
of Revenue, dated 6th February 1874, No.
233 :—

Read the following letters :—

From the Collector of Ganjam, to J. GROSE,
Esq., Secretary to the Board of Revenue,
dated Sarungu, 8th December 1873, No.
3,010.

As directed in the Board's endorsement,
dated 11th July 1872, communicating G. O.,
dated 1st idem, No. 1,017, I have the honour
to submit the Annual Report on the condition
of this district and on the progress of the
measures intended for its amelioration for the
Official year 1872-73.

2. The condition of the district was good
during the year under report. Rain was abund-
ant, and the harvest generally excellent.
There was some loss of crops here and there,
and some damage to Public Works from floods;
but, on the whole, the year was decidedly a
good one. Prices fell and the staple articles

were within the reach of the means of all classes.

3. The most important of the difficulties which the district labours under, and which causes occasional failure of crops and consequent distress is the want of sufficient means for irrigation.*

* *Vide* Mr. Thornhill's report, dated 10th February 1872, recorded in G. O., 29th February 1872, No. 353.

para or Korokorei projects.

4. The design for the former project has been formed by the Department Public Works, and information as to the particulars of land which is to be irrigated thereby, and the revenue which will depend thereon, is yet to be furnished by me. There are two sets of voluminous statements to be prepared, one for the Department Public Works, with reference to the requisitions from that department (*vide* Captain Beckley's letter, dated 10th February, No. 294, forwarding an extract (paragraphs 30 and 31) from the Chief Engineer's memorandum, dated 11th December 1869, No. 320; and Superintending Engineer's letter, dated 7th September 1870, No. 1,958, forwarding Chief Engineer's memorandum, dated 22nd August 1870, No. 185); and another for submission to the Board, with reference to their Proceedings, dated 13th December 1870, No. 7,098. The necessary details for the former have all been received from the taluks, and the tabulation thereof has been very nearly completed. I hope to send them off within a very short time. As regards the statements to be sent to the Board, the necessary details have lately been received from the Gumsur Taluk, but those from Berhampore are still due. I have sent urgent reminders, and expect that no unnecessary delay will hereafter occur. I am sorry there has been such delay in the furnishing of these details.

5. As to the Mallada Tampara or Korokorei project the designs of Captain Beckley have, not very long ago, been received, and the necessary information as to the revenue details is being tabulated by the Berhampore Tahsildar. I expect to have it ready ere long. The Tampara is situated in the Beridi Zemindary, and the channels proposed to be extended and newly dug are in that as well as in the Humma Zemindary. The work will benefit a great part of the zemindary land, and the Ganjam Town and the lands about it. Some doubts exist as to the feasibility of this project, and they will be cleared on the receipt of the information which I am gathering.

6. Another evil which causes occasional scarcity and which Mr. Thornhill emphatically

spoke about in his report, above quoted, is the imprudent system followed by the agricultural class of cultivating with paddy crop rain-fed lands destitute of any artificial means of irrigation. The success of such paddy cultivation is precarious, owing to the uncertainty of the north-east monsoon which occasionally fails to the detriment of the growing wet crops: whereas if the ryot contents himself with raising a dry crop on such lands, he would be almost sure of success. If we expect at all to induce the ryot to change this pernicious habit, we must first begin by doing away with the existing classification of all rain-fed low lands as "wet," and by transferring them to the head "dry." I have had the subject under consideration, but found it impossible to effect an immediate change. There are very many cases in which rain-fed lands originally cultivated with dry crops were in past years transferred to the head "wet" and assessed as such, solely in consequence of its having been cultivated with a paddy crop, though without any means of artificial irrigation, so that the pernicious system in question has thus all along not merely been passively ignored but actually countenanced. It is no easy task to undo all such transfers effected in past years and re-transfer the lands concerned to the head "dry," and I can see no alternative but to defer the matter for solution by the Settlement Department. During the last jumabundy, however, of the Berhampore Taluk, I put a stop to the former practice by refusing to transfer to "wet" or to impose any additional assessment on rain-fed lands newly cultivated with paddy crops and by imposing *tirwajasti* or additional assessment only in such cases where the land was converted into wet by means of any Government source of irrigation. In the latter case, the land has been retained under the head "dry" the additional assessment being levied as a distinct item. The Settlement Department has now commenced its operations in the sub-division of the district, and the remedy for the aforesaid evil is not therefore far off.

7. Model farms conducted on an efficient scale may possibly have a good effect on the peasantry as illustrating the actual results which can be reaped by an efficient system of cultivation. An inhabitant of Russelcoudah has lately been sent to Madras to be trained as an apprentice, and eventually to be sent back here to superintend Model farm. The success of this undertaking must be tested by the result.

8. The well-being of this district, especially in times of scarcity, much depends upon resources of the Pooree and Cuttack Districts of the Bengal Presidency adjoining. It is, as the Board are aware, the abundant importation of paddy from those districts that kept the markets of this district well supplied in the

years 1871-72 when scarcity was threatened. I have, therefore, in communication with the Commissioner of Cuttack, arranged for the periodical Price Currents and Season Reports of those districts being regularly furnished to me, with a view to keep myself informed of their condition and prospects. I have been receiving these reports regularly since the middle of the year under report.

9. The Chilka Canal up to Ganjam affords additional facilities for the importation of grain, &c., from Cuttack. The canal has been deepened and thereby improved from the funds sanctioned for the purpose during the time of the apprehended scarcity in 1871-72.

10. It has not, however, been much used by traders, communications for internal traffic are not wanting in this district, the principal places being connected by good roads. Some deficiencies, however, still exist. The road from Aska towards Ichapur through the Zemindaries of Dharakota, Sergada, Chinna Kimidi, Pedda Kimidi and Chekati in the principal division, and the road from Alikam (near Chicacole) to Hiramandalam (half way between Battili and Chicacole) in the sub-division, have been well nigh completed. The Local Fund Board, Chatterpore Circle, have lately determined to open a new line from the bridge on the Mahendra Tanaya river on the Trunk Road to Goppili, in Parla Kimidi Estate, *vid* Mandasa, thus connecting the Kimidi Road system with the northern part of the district.

11. The employment of Oriyas has not progressed to any appreciable degree. Scarcely any Oriya passes the requisite examination. The Oriya language has lately been declared an official language of the district, equally with Telugu; and the Local Fund Boards have devised measures for the diffusion of Oriya education by making Oriya an essential study in their schools. There is thus a prospect of progress in this respect. Mr. Maltby, the Assistant Collector, has passed both the colloquial and high proficiency tests in Oriya, and he can freely and directly communicate with the people in general, and personally learn their wants.

Official Memorandum from L. A. CAMPBELL, Esq., Acting Under-Secretary to Government, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Fort St. George, 29th January 1874, No. 16.

ABSTRACT.—Requesting Board to expedite reply to Government Order calling for a special annual report on condition of Ganjam District.

This report on the state of the Ganjam District in 1872-73 and on the progress of the

various measures introduced for its amelioration, prepared in accordance with the instructions of the Secretary of State, will be submitted for the information of Government.

2. The condition of the district was decidedly good, though cholera appeared in the first part of the year and fever was more prevalent than usual. The seasons were favourable, but there was some damage done by inundations. Prices fell.

3. The collection of the statistics which must be prepared before the Rushkuliya and Korokorei projects can be commenced proceeded slowly. The precarious cultivation of paddy in places where grains that require no irrigation would be comparatively secure was discouraged by refusing to rate unirrigated land which pays a low assessment in all seasons, as irrigated land which pays a high assessment when a crop is grown and nothing when there is no crop. A man was sent from the district to learn agriculture at the Government Farm near Madras. The Collector placed himself in free communication with Pooree and Cuttack, and arranged to have Statements forwarded to him from time to time showing the prices prevalent there and the character of the season. The communications were good, two new roads were nearly completed and one was projected. Oriya became one of the official languages, and one of those recognized in the University examinations: the Local Fund Boards did a little in the way of encouraging the study of Oriya, and Mr. Maltby, the Assistant Collector, studied it sufficiently to pass a difficult examination and to enable him to converse freely with the people.

4. The Board regret that the Rushkuliya Returns are still incomplete. They are aware of the great labour involved in preparing them, but trust that everything will be done to overcome the difficulty as soon as possible. It is most important to the district that a decision as to this scheme should be arrived at. The Returns which relate to the Korokorei project should also be expedited.

5. The principle adopted by Mr. Master that all land watered only by direct rain-fall should be rated as unirrigated land is sound, and the action taken by him, which is described in paragraph 6, is approved. It is obvious that no very great progress can be achieved pending the introduction of the new settlement, but the Deputy Director who is now in the district must give special attention to the subject, and he must communicate freely with the Collector before coming to a general conclusion on this or any other settlement question of moment.

6. The Board are glad to find that there is free intercourse between the Collector and the

authorities of Orissa. The provinces are very intimately connected.

7. The Collector should direct the attention of the Local Fund Boards to the desirability of connecting the road system of Ganjam with that of the interior. The letter recorded with G. O., dated 18th June 1873, No. 1,587, Public Works Department, shows that the authorities of Raipur are alive to the importance of opening out communications with the coast.

8. The reports of the Local Fund Board for 1872-73 only mention 134 Elementary schools attended by about 3,860 boys as being under the inspection of Educational officers. The Census Report shows that the population of the district (exclusive of the Maliah villages) is 1,388,976, and the number of boys between 6 and 12 years of age 1,27,688, so that it cannot be said that the Local Fund Boards have done much for the education of the district at present. It is, however, satisfactory that they have recognized the special importance of having Oriya taught in the schools. Mr. Maltby deserves great credit for having led the way in becoming acquainted with the language of the Oriyas, the number of whom, in the low country, appears from the Census to be 3,83,135.

9. An interesting Statement has been prepared in this office and is herewith submitted which shows the Oriyas divided according to castes.

Memorandum of the Particulars of the Oriya Population in the Ganjam District, as shown in the Census Schedules written in the Oriya language.

Caste.	Population.
<i>I.—Brahmins (Priests).</i>	
Odiya Brahmins	31,673
<i>II.—Kshatriyas (Warriors).</i>	
Kshatranta	127
Bhaipo or Sauts	105
Rantura	116
Majhee	495
Total...	843
<i>III.—Chetties (Traders).</i>	
Odiya Komaties	1,563
<i>IV.—Vellalar (Cultivators).</i>	
Aliya	11,889
Aruvā	7,069

Caste.	Population.
Aruva Capu	1,172
Bellama	6,387
Bosantiya	1,422
Bolasi	5,682
Chudayati	2,619
Doluna	7,190
Kolata	1,800
Kempo	3,321
Kudumo	7,080
Molasa Podiya	2,150
Potiya	1,830
Total...	59,602

V.—Other good Castes.

Pandita	3,412
Bolidhia Telli	2,052
Bhyshnava	265
Nuniya	615
Odiya	16,002
Total...	22,346

VI.—Adayars (Shepherds).

Gondn	39,561
Apata Gondn	4,013
Battuva Gondn	2,714
Sollakhoddiya Gondn	1,027
Gondn Halisa	915
Baisya Golla	414
Gondn do.	5,639
Total...	54,283

VII.—Kammalan (Artizans).

Asari	7,666
Astalohi	1,383
Korti	313
Muli	1,313
Podbiriya	415
Khodra	5,614
Pundara	66
Vostale	7
Sonkari	518
Kansiya	158
Boniya	4,203
Total...	21,656

Caste.	Population.	Caste.	Population.
<i>VIII.—Kunakkan (Village Accountants).</i>		<i>XVII.—Others.</i>	
Bommali Karanam	1,615	Amayatam	134
Baisya do.	1,342	Avarta	8
Majjula do.	5,638	Arisa	1,553
Mahanti do.	3,325	Gudiya	9,104
Odiya do.	1,450	Kalukuntla	2,187
Total...	13,370	Mali	1,134
<i>IX.—Kaikalar (Weavers).</i>		Muni	2,036
Tonti	699	Matiya	1,543
Koli	456	Magura	3,995
Tera	220	Pondara	15,768
Tohoro	894	Pachiliya	923
Total...	2,269	Ponnadilu	1,618
<i>X.—Vanniyar.</i>		Potrasuniya	2,176
Nil.		Ravulo	6,612
<i>XI.—Kusavan (Potters).</i>		Sipiti	2,318
Kumbhoro	9,956	Samiyala	2,617
<i>XII.—Satani (Mixed Castes).</i>		Tollari	6,786
Nagavamsam	2,905	Tulabhena	1,314
<i>XIII.—Sambadavan (Fishermen).</i>		Haigudiya	2,310
Mila	493	Total...	64,136
Khandra	1,822	<i>XVIII.—Pariahs.</i>	
Kevuto	16,899	Arisa Mala	633
Tairo	1,246	Gosangi	1,165
Noliya	231	Arisa Paidi	783
Khotiya	31	Dombo	617
Total...	20,722	Pane Dombo	312
<i>XIV.—Shanan (Toddy-drawers).</i>		Ghasi	600
Segadi	20,276	Bavuri	26,177
Sondi	12,785	Arisa Dandasi	987
Sailo	443	Chitra Ghasi	1,709
Total...	33,504	Samantiya	4,822
<i>XV.—Ambattan (Barbers).</i>		Bhairi	2,183
Bondari	2,436	Total...	39,988
<i>XVI.—Vannan.</i>		Grand Total...	383,135
Odiya Sakala	1,883	NOTE.—The above population is exclusive of that of Malaya villages.	

(Signed) J. GROSE,

Secretary.

Minute by the Hon'ble W. ROBINSON, c. s. i.
(Here enter 7th March 1874).

Order thereon, 14th March 1874, No. 343.

This report is a response to the instructions of the Secretary of State, Despatch, No. who, subsequently to the 19, dated 15th May last disastrous season in 1872. Ganjam, desired to be furnished with an annual narrative of the condition of the District.

2. The two irrigation projects of primary importance,—the one depending on the waters of the "Rushkuliya" river, and the other on the Tampara or natural lake called "Mallada,"—are, it is observed, still delayed for want of accurate information respecting the anticipated returns of revenue. The Collector, however, states he will shortly be able to supply these data; the delay in furnishing which, the Government presume, has been unavoidable, as the Board give no opinion to the contrary. They desire that no further delay be allowed in the matter.

3. Another circumstance which he considered a source of occasional distress was pointed out in Mr. Thornhill's special report, viz., "the imprudent system followed by the agricultural class of cultivating, with paddy-crop, rain-fed lands destitute of any artificial means of irrigation." Owing to the generally abundant rain-fall of the district, such as has happily been the case for the period now under consideration, many years would pass during which a succession of highly favourable seasons appeared to justify the course taken by these ryots; but it seems that it has been the uniform practice of the Revenue authorities to class such lands as "wet," thus encouraging the system; the ryot finding it necessary to grow paddy instead of some of the "dry" grains, in order to meet the higher assessment under which his land was brought. The Board of Revenue have properly desired the Settlement Department now working in the district to give special attention to the subject in revising the assessments. Meanwhile, they have directed that no further extension of the system be permitted. This is in accordance with the correct principles which regulate the assessment of land; but if, as seems to be the case, the cultivation of "wet" crops is more profitable than the cultivation of dry crops, the ryots are not likely to abandon their present system, and they must obviously be left free to act as they deem best for their own interests.

4. As for communications, the district of Ganjam is exceptionally well off. It should be

specially inquired and reported, however, why the canal (constructed in the late famine) connecting the port of Ganjam with the Chilka lake is "not much used by traders," who still land the grain they bring in boats from Cuttack at Rambha on the shores of the lake, and thence, —so far as it is carried south,—despatch it on bandies along the trunk road, instead of availing themselves of the extended water-carriage to Ganjam. The principal wants of the district, in completion of the net-work of roads, are no doubt bridges across the Ganjam and Calingapatam rivers, for which plans and estimates have frequently been prepared, but laid aside for want of funds.

5. Turning to the educational requirements of the district, it is satisfactory to find that some progress may now be expected; special efforts have been made to attract the youth of the Oriya population, which represents about one-fourth of the whole, and has been hitherto contented to see all the offices of the country in the hands of the Telugus.

(True Extract.)

(Signed) L. A. CAMPBELL,

Ag. Under-Secy. to Government.

TIRWAJASTI, OR WATER RATE, SUBJECT TO
REPORT AFTER TWO YEARS.

*Proceedings of the Madras Government, Revenue
Department, 25th March 1874.*

Read the following. Proceedings of the Board of Revenue, dated 15th November 1873, No. 2,328:—

Read the following replies of Collectors to Board's Proceedings, dated 10th June 1872, No. 955.

From the Acting Collector of Vizagapatam, dated 12th August 1872, No. 915.

From the Acting Collector of Godavery, dated 10th July 1872, No. 212.

From the Acting Collector of Kistna District, dated 17th July 1872, No. 1,898.

From the Collector of: Nellore, dated 2nd August 1872, No. 1,835.

From the Acting Collector of Bellary, dated 3rd August 1872, No. 262.

From the Collector of Cuddapah, dated 9th August 1872, No. 131.

From the Collector of Cuddapah, dated 24th January 1873, No. 8; recorded in Board's Proceedings, dated 1st February 1873, No. 139.

From the Collector of Kurnool, dated 6th July 1872, No. 198.

From the Acting Collector of Chingleput, dated 1st August 1872, No. 324.

From the Acting Collector of North Arcot, dated 20th September 1872, No. 461.

From the Acting Collector of North Arcot, dated 14th April 1873, No. 222; recorded in Board's Proceedings, dated 23rd April 1873, No. 631.

From the Acting Collector of South Arcot, dated 15th August 1872, No. 255.

From the Acting Collector of South Arcot, dated 16th December 1872, No. 408.

From the Officiating Collector of Tanjore, dated 14th August 1872, No. 304.

From the Officiating Collector of Tanjore, dated 16th December 1872, No. 450.

From the Collector of Tinnevely, dated 24th July 1872, No. 317.

From the Commissioner of the Neilgherries, dated 11th July 1872, No. 80.

From the Collector of Coimbatore, dated 6th January 1873, No. 1.

From the Acting Collector of Trichinopoly, dated 24th October 1872, No. 227.

From the Collector of Salem, dated 6th November 1872, No. 273.

From the Acting Collector of Madura, dated 27th February 1873, No. 57; recorded in Board's Proceedings, dated 3rd April 1873, No. 520.

From the Collector of South Canara, dated 9th April 1873, No. 491; recorded in Board's Proceedings, dated 24th April 1873, Miscellaneous, No. 2,484.

From the Collector of Malabar, dated 6th October 1873, No. 223.

With their Proceedings, dated 10th June 1872, No. 955, the Board circulated for the remarks of Collectors a set of rules for the levy of tirwajasti which were to be made applicable to all districts, except those on the West Coast, Ganjam, Vizagapatam, Madura, and Tinnevely. The Collectors of the four last-mentioned districts were desired to submit sets of special rules for their districts.

2. The Collector of Ganjam has not yet replied to this call. The Collector of Madura proposed that the system in force should not

be changed, and the proposal was approved in Board's Proceedings, dated 3rd April 1873, No. 520.

3. The Collector of Tinnevely submits certain special rules for his district. The rates have always been high, and the Collector's rates are higher than those of the Board, inasmuch as they provide an equal charge for first and second crop, on the ground that the Kar, which will be the second crop according to the Settlement, is more remunerative than the Pishanam crop. The Collector proposes half rates instead of three-fourths for water raised by baling. No provision is made for differential rates for dry or garden-crops. The IVth and Vth rules apply to water-rate on second crop in irrigated lands, and are out of place in tirwajasti rules. Mr. Puckle says nothing as to the suitability of the Board's Rules II, III, IV, and V to his district. It is possible that dry lands cultivable with two wet crops would more properly be classed as nunjah, and, if so, the question of second-crop charge would be got rid of. The Collector's attention is called to this point and to the omissions above noted, and he is requested to report further. Meanwhile, no change in existing charges should be made.

4. From Vizagapatam it is reported that the Board's rules will suit, but the rates proposed for first and second wet crops are 25 per cent lower than the Board's rates, and for garden-crops a charge of Rupees 5, instead of Rupees 6, is proposed. These rates may be allowed for all but first-class tank and channel irrigation as proposed below.

5. In Tanjore it has been the practice to levy a moderate but uniform rate of tirwajasti. The system of river-channel irrigation is so widely extended that a charge for tirwajasti is of rare occurrence. There is no need to disturb existing practice, and the Board's rules will be declared inapplicable to this district. It appears from the other reports that, with certain modifications to be noticed below, the Board's rates are generally accepted.

6. Important distinctions are suggested in the reports of the Collectors of Bellary and Godavery. The former officer suggests that the Board's rates might be applied to land irrigated from sources which are regular and to be depended on, but that for irrigation from ordinary rain-fed tanks and other sources the charge should be 25 per cent less. The distinction as to the value of sources of irrigation is obviously fair and equitable, and the principle should be applied in all districts to which the rules apply. The Collectors should cause lists to be drawn up showing all sources which, in their opinion, should be ranked as first class,

and the higher scale of rates should be applied to them only.

7. The Collector of Godavery points out that water derived from drainage channels or from the drainage of other lands is of much less value for irrigation, as being uncertain in quantity, devoid of fertilizing river-silt, and frequently charged with saline ingredients. He, therefore, proposes a differential charge. The Board accordingly propose that for drainage water in deltaic tracts the charge shall be one-half the full rates according to class of source. The same water-rate rules (sanctioned in G. O., 16th June 1873, No. 617) are applicable to the deltas of the Kistna and the Godavery, and have superseded those to which the Collector of the latter district refers, when he states that Rupees 8 in all is charged and paid for two crops irrigated in dry land. The rules now in force do not seem to authorize the charge of Rupees 4 on a second crop in dry land, as Clause 2, Rule I, is expressly made applicable to irrigated land only; but however the Board's rates may contrast with those in force, these wholly exceptional tracts should be excluded from the operation of the Board's rules, which will be confined in those districts to the non-deltaic tracts.

8. In Cuddapah and South Arcot the existing practice is to charge only once a single payment of water-rate on dry land covering two crops. The rate is Rupees 5 per acre in the principal division of Cuddapah, and Rupees 4 in the sub-division; and in South Arcot the rate is Rupees 5 per cawny, or nearly Rupees 4 per acre. The Collector of Cuddapah thinks the charge in the principal division too high. The Board do not wish to enhance existing charges, and will, therefore, make no change whatever in South Arcot; and they permit the Collector of Cuddapah to make no charge for second crop and to levy Rupees 4 per acre throughout the district pending settlement. Mr. Sullivan should address the Board separately as to the charge for second crop on wet land when the data, which were being collected by his predecessor, are completed.

9. The Board assent to the proposal of the Collector of Kurnool to charge half rates for dry crops irrigated.

10. North Arcot has already uniform rates lighter than those proposed by the Board, except in certain villages transferred from South Arcot. The Board do not wish to enhance rates, and, therefore, no change will be made pending settlement, except that the transferred villages should be allowed to pay the same rates as the rest of the district.

11. There appears to be no objection to the introduction of the Board's rates into Salem,

Coimbatore, Kistna, Nellore, Trichinopoly, and Chingleput. The Collector of the last-named district is of opinion that, owing to poverty of soil, the Board's rates should be reduced 25 per cent throughout the district, so as to be equal to the charge paid to the villages transferred from North Arcot. The relaxations of rule where the irrigation is inferior, which the Board have now approved, will probably meet the case of this district. The Collector does not say that the Board's rates are in excess of those now paid, except in the North Arcot villages.

12. Some Collector's consider that the levy of three-fourths of full rate for land irrigated by means of mechanical appliances is too high. One-fourth of water-rate is the reduction allowed on this account in wet land by the Settlement Department, and, with the other relaxations now proposed, the Board think it sufficient.

13. The second rule which makes the whole field chargeable, unless the settling officer sees fit to relax it when the fields are large, must, the Board think, be abandoned, and the charge must be made on the actual area, the limit of one acre for fractional parts being reduced to half an acre. The rule is modified accordingly in the draft appended to these Proceedings. This will obviate the difficulty about charge in case of joint-holders.

14. Rules III and IV remain without alteration. To Rule V some objections are urged, but the Board do not think they have much force, and would retain it, merely striking out the portion requiring special report to the Tahsildar, which seems unnecessary.

15. The original rules proposed by the Board were intended merely to introduce some order where there is now confusion, but did not aim at absolute uniformity or at increase of taxation. They have accordingly now proposed relaxations where these appeared to be necessary, in deference to the opinions of the Collectors, some of whom thought the Board's rates too high. The financial effect cannot be exactly calculated beforehand, and, if the Board's present proposals are approved by Government, for whose sanction they are now submitted, the operation of the new rates must be carefully watched.

Order thereon, 25th March 1874, No. 384.

Approved and confirmed accordingly. Report, with financial results, should be made to the Board after two years' trial.

(True Extract.)

(Signed) C. G. MASTER,
Acting Secy. to Government.

THE REVENUE REGISTER.

No. 5.

MADRAS :—FRIDAY, MAY 15, 1874.

[VOL. VIII.]

MANUAL OF THE NELLORE DISTRICT.

WE have recently received from the Revenue Secretary to Government a copy of the Manual of the Nellore District, compiled and edited by the late Mr. J. A. C. Boswell, of the Madras Civil Service. This is, we believe, the fourth of the series of District Manuals which are being prepared by the orders of Government, the previous three being the Manual of Vizagapatam, by the Hon'ble D. F. Carmichael; the Manual of the Madura Country, by Mr. Nelson; and the Manual of Bellary, by Mr. Kelsall. It seems to us that these Manuals are a most important addition to Anglo-Indian literature. They gather together in a readable form, and within something like manageable bounds, a great store of information not uninteresting to the general public, and really invaluable to those entrusted with the political and revenue administration of the country. The names we have mentioned above are guarantees for the care with which the Manuals have been compiled; and we venture to think that the Nellore Manual is well worthy of a place in the list, though unhappily its talented and pains-taking author did not live to see the fruit of his labours, nor even to revise the work as it passed through the press.

Mr. Boswell was known as a practical ruler and administrator, a zealous archæologist, and, in his capacity of Collector of the Kistna District, an indefatigable writer on subjects of importance affecting the welfare of the people and country committed to his rule. The Manual of the Nellore District is not divided into parts or volumes, but merely into twenty-nine chapters, two of which are composed entirely of statistics. Although the book is large, consisting of nearly 900 pages, the chapters are, as a rule, short; and some of them would have well borne amplifying. This is, we suppose, caused by the immense amount of statistics contained not only in the two chapters forming the appendix, but also in the body of the work. These statistics are not very attractive to the general reader, but will no doubt be useful to officials as presenting, in a ready and convenient form, information for which they would otherwise have to search through the too often confused, and unsorted, records of many different Departments.

Chapter I—*Physical Geography, Local Divisions, and Topography*.—After mentioning the position, length, breadth, and superficial area, the first chapter proceeds to describe the general aspect of the country. This, it seems to us, is not particularly inviting, being described as "a sandy plain with large tracts of jungle interspersed

with cocoanut trees and palmyras." We are told, however, that it is more hilly inland, though there is nothing really in the shape of mountain, with the exception of the Udayagiri Droog which attains an elevation of about 2,000 feet, and a portion of the Eastern Ghats dividing this District from that of Cuddapah. The largest river is the Pennair, spanned by an anicut at the town of Nellore. The readiest means of communication with Madras is by the East Coast Canal, which could, it appears, be extended with but little difficulty to Bézvara, where it would meet the canal from Rajahmundry and complete an inland water communication between Madras and that part of the country. We should think this would be a great advantage, especially for the transport of goods during the stormy months, when so many dhonies and small craft of all kinds are lost in coasting. The chapter contains a list of the taluks, their towns, Collectors' and other Revenue authorities' quarters, the courts, police stations, public bungalows, post offices, and so on, with a description of the physical peculiarities of each taluk by Captain Clay; and it concludes with an account of the ports, estuaries, and Light Houses, contributed by Mr. Plunkett, the Deputy Collector in charge of Salt.

Chapter II—*Climate and Diseases*.—This chapter was contributed by Mr. E. Eyre Lloyd, Zillah Surgeon. He tells us that the climate of Nellore is dry and salubrious, and that though the land winds, which prevail with much fierceness during May and June, and sometimes even longer, are very exhausting to Europeans, they are not really unhealthy. The rain-fall seems to have much diminished of late years, which Mr. Lloyd is inclined, and very properly we think, to attribute to the destruction of trees and jungle, which is only now beginning to be replaced under a wiser system of management. There does not ap-

pear to be anything special in the diseases, or the state of public health of the District, though cholera seems to have been prevalent of late years, and to depend in some way on the deficient rain-fall; probably from the half-starved people being unable to resist any unhealthy condition to which they may be exposed.

Chapter III—*Geology and Soils*.—The information on Geology was compiled by Mr. Boyle, C. S., from notes furnished to him by Mr. Charles Oldham of the Geological Survey, and that on soils was contributed by Mr. Charles Rundall. There is, we learn, nothing very special in the geology of the District, except it be some quartzite and altered sand-stone rocks, not identical with any formation known in Europe, which contain no fossil remains, and have been provisionally named the Cuddapah group, because they occur principally in that District. The soils are chiefly heavy regada soils varied by some red soils, and, along the coast line and in Sriharikota, by sand. A classification of soils, with their nomenclature, appearances, and situations, is appended to the chapter.

Chapter IV—*Mineralogy*.—We find that copper ore was discovered in 1801; but that though the copper found was of a good quality, all attempts at procuring it in sufficient quantities to be profitable have signally failed. Some iron ore is to be found, and appears to yield a small supply of iron for local demands, but it is not enough to become an article of commerce. In fact, the minerals of Nellore seem, like its climate, its scenery, and its soils, to be best expressed by negatives.

Chapter V—*Fauna*.—This chapter tells us a good deal about the celebrated breed of Nellore cattle, and shows the wonderful improvement that has taken place of late years in the cows of the District, stimulated, no doubt, by the special prizes offered at the Government Shows for cows and heifers.

Ponies appear to be very deficient, and at present nothing has been done to improve the breed. The chapter concludes with a very long list of the wild animals, birds, and reptiles to be found in the District: among these the most important appear to be the Tiger, the Leopard, Hyæna, Wolf, Jackal, wild Boar, Sambur, Whip Snake, Cobra, Water Snake, Vulture, Kite, Hawk, and several other birds in great variety.

Chapter VI—*Flora*.—These products also appear to be deficient, though fine large timber trees are to be found on the Veligonda hills, separating Nellore from Cuddapah and Kurnool; and the Sriharikota jungles furnish firewood to Madras. Left to themselves or to the unaided efforts of the natives, these important fuel reserves seem to deteriorate; but by a very simple system of conservancy, Mr. Dykes, the Collector of the District, succeeded in improving prospects in this respect; and now more than 50,000 acres have been converted into jungle reserves, to the mutual advantage of Nellore and Madras. This chapter, too, is principally composed of lists, and statistics. First, we have a list (six pages long) of timber trees; then, an abstract of Talukwar particulars of the Jungle Conservancy Fund for 1871-72; next, a list of firewood trees; and finally, a catalogue of grains, oil-seeds, pulses, flowers, vegetables, dyes, fibres, drugs, &c. All these lists are arranged alphabetically: they bear evidence of having been most carefully prepared; the list of drugs in particular is elaborate, and is, in fact, an admirable local *materia medica*.

Chapter VII—*Ethnology*.—In this chapter we have, we are convinced, Mr. Boswell himself for author, and on a favourite subject. After a brief glance at the probable origin of the inhabitants of this portion of ancient Telingana, the Aryan Brahmins and Chatriahs, and the Scythian Vysias and Sudras, he passes on to a consideration

of the wild tribes of the District, of whom the most important are the *Yánádies*. The account given of this tribe is based on reports of Surgeon Major J. Shortt. The origin of this tribe is shrouded in mystery, but Mr. Boswell lays down with some confidence that they are a Dravidian tribe of a Mongolian type. From one of Dr. Shortt's reports we are surprised to find that the average height of the men of the tribe was only 5 feet 4·8 inches, and of the women 4 feet 10·6 inches; while the average weights were only 100 lbs., and 82·6 lbs., respectively. These people appear rather less than semi-civilized, and are described as being filthy in the extreme, with the barest apology for clothing, and very comfortless dwellings. The portion of the tribe on the island of Sriharikota has long been the object of the special attention of Government: a market was found for such jungle produce as the people could be induced to bring; a system of registration with rewards for registered births was introduced; a school has been established; and an effort made to teach them cultivation and the rearing of sheep and cattle. All these measures seem to have done well except the industrial part of it. These *Yánádies* will not learn agriculture, nor the care of cattle, unless compelled to do so. On the other hand, the school seems to get on well, and hopes are entertained that the lads who have been educated there may hereafter exert a civilizing influence over their wilder brethren. Another tribe, much resembling the *Yánádies* in their wandering lives and want of civilization, are the *Yera-kulas*. They appear to possess a stronger physique than the *Yánádies*, to contribute largely to the crime of the District, to practise polygamy, and to have a curious custom by which the marriage of nieces is not only permitted, but encouraged. Their language, which is quite unintelligible to the Telugu population, seems to be a

dialect of the Tamil with some admixture of Telugu and Canarese. From the evidence Mr. Boswell has been able to draw together, and from the cardinal numbers, a lot of nouns, and phrases, that he has been at the trouble of collecting from the people, we feel quite convinced that he is right in supposing the *Yerakulas* to be a Tamil tribe. The next tribe under mention, the *Sukalies*, do not appear to present any peculiar features; they are of Mahratta origin, are strong and well formed, eat bread, and are said to like strong liquors. A much more interesting tribe are the *Chenchus* or *Chenchuvandlu*, who principally inhabit the *Nandikanama* pass. They are described as a tribe of dark, strong, active men, who gain their living by hunting, rearing horned cattle, and by selling jungle produce. They come out of the jungle to the villages to buy supplies, and at the time of the great feasts come even as far as Nellore. A section of the tribe, called *Bontachenchuvandlu*, are still less civilized; they are said to dispense with clothes altogether, and to have reverted to the primitive fig leaf.

We are glad to find that there has been a decrease of crime of late years, principally attributed to the exertions of the Police.

Chapter VIII—*Religion, Festivals, and Castes*.—This chapter, which is deeply interesting, tells us how the fair-skinned Aryans, about twelve centuries before Christ, migrated from the homes they had conquered in Northern India, and without subjugating the Dravidian races of the South, settled down among them, and gradually became their acknowledged superiors, by the innate nobility and energy of their character. The Aryan religion was at that time of the simplest; they adored the personifications of the powers of nature; but still alleged and believed that "there is, in truth, but one Deity, the Supreme Spirit, the Lord of

the universe, whose work is the universe." This simple religion was taught in the *Védas*, but was afterwards amplified, explained, commented on, and, as a natural consequence, overlaid with errors and extraneous matter. In the old simple faith a trinity alone was believed in, Brahma the Creator, Vishnu the Preserver, and Shiva the Destroyer. Now the objects of worship have increased to 360 million deities!!! Upon this subject Mr. Boswell quotes a few words which seem most happily to express the present state of things in the Brahmin religion—"Although the customs and habits of the Hindoos are said to be immutable, yet, strange to say, in a country which still regards the *Védas* with profound veneration as the great fountain of religion, the ritual they prescribe has become so obsolete that the man who ventured to regulate his devotions by it would be considered in the light of an infidel." Now, this is just what is often said to us by educated Brahmin friends. Talking of this or that custom as binding on them, they say, oh no! that is quite a mistake—it is true we do so, but it is mere prejudice—we are not bound to do this—it is not so prescribed in any of our ancient authorities on religion.

About two or three hundred years later the schism of Buddhism took place. This schism appears to have been the recoil of some thoughtful minds from the overwrought system of endless gods and goddesses. They believed that "by the exercise of virtue and knowledge, an individual could obtain *Nibbute* or *Nirvana*, absorption into the Deity." Of this religion, the worship of a Ruling Intelligence quickly degenerating into worship of mere intellect, the Jains were a sect, whose religious tenets possessed but trifling differences from the parent Buddhism. About the ninth century, A. D., Buddhism and Buddhists were expelled from India, and about the same time Sankara Acharya's philosophy began

to modify the older forms of Brahminical worship. The chapter contains a good account of the different sects of Hindooism as it exists at the present day, by Bomma Teperumal Chettyar, Sub-Division Sheristadar of Cuddapah, and also a notice of the three Mahomedan sects, *Sheeahs*, *Sunnis*, and *Wahabees*. Next come notices of Feasts, Festivals, and Mahomedan feasts, and finally a paper on castes, also by Bomma Teperumal Chettyar.

Chapter IX—*Social characteristics, Manners, and Customs*.—This chapter describes the dwellings as being generally poor and comfortless in the extreme, while the strength of caste prejudice prevents a low-caste man from building himself a good house even though he may have the means to do so. The general domestic furniture, clothing, food, and dress, appear to be exactly the same as we find them in other Districts of Southern India; but certainly, the description of the moral characteristics of the Nelloreans, as painted by an intelligent Hindoo who dwelt among them, is far from flattering. We give it *in extenso*. "The chief characteristics of the people are utter want of truth, habitual deceit and fraud, accompanied by cowardice, ingratitude, discontent, insatiable greed, and a want of all benevolence and hospitality to strangers." Their distinguishing virtues he characterizes as gentleness, meekness, and unlimited self-control. We cannot but hope that this is not a faithful portrait of the mass of the people. An excellent account of the different domestic celebrations follows; the part relating to the marriage ceremonies being particularly interesting. The various observances attending a Brahmin marriage are first detailed, next those of a *Nayudu* marriage, and then the rites common among the *Kápus*. These are rather different; but all the marriages seem to have in them a large element of the poetical and symbolical, and to be really very different from the

mere nuisance of noise and confusion that outsiders are too apt to consider them. A strange custom mentioned in connection with Sudra marriages is termed *Alaka*, or offence. It appears that, on the fourth day, the bridegroom and his party pretend that they have taken offence and quit the house. They are followed by the friends of the bride who feign to propitiate them with gifts; and having appeased the imaginary wrath, they all return to the marriage house with great joy. The funeral ceremonies, too, are detailed at great length, and disclose a most elaborate system of ritual, which requires, in most instances, much self-denial and careful observance on the part of the mourners. We were astonished to find a strong analogy to the Jewish Scape-goat, in laying the sins of the deceased on a young bull-calf, who having been branded with the symbol of the deity is turned adrift into the world, is considered sacred, is permitted to wander unmolested, and even to graze in cultivated fields. In all ceremonies Brahmins play a conspicuous part, and receive presents of money, food, clothes, and so on. Some ceremonies are exclusively performed by women, which have reference principally to the obtaining of a good husband; to securing happy and fortunate children; to avert such calamities as the loss of a husband, or children; to procure long life, happiness, &c. Some of the ceremonies are really beautiful, and are even to European minds eminently suggestive and symbolical; others again appear foolish if not actually repulsive; but we must, of course, make very great allowance for difference of education, feeling, and habits both of mind and body. The chapter concludes with a description of the various ceremonies practised by Mahomedans. As might be expected, these are rather more comprehensible to the uninitiated than the Hindoo customs; for instance, the supplication of the *Kazi* in

the marriage ceremony that the couple may be as loving as Adam and Eve and Abraham and Sarah, remind us forcibly of the very similar expression used by our own church. Still more analogous are the words of the *Koran* recited by the mourners at a funeral. In this ceremony, each person takes a little earth in his hand and says, "We created you of earth, and return you to earth, and we shall raise you out of the earth on the day of resurrection." At this point of the manual we must stop for the present, reserving the Land Tenures, Law of Inheritance, Trade, Agriculture, and Political and Revenue History, for review in our next number.

HER MAJESTY'S PRIVY COUNCIL.

[OUDH CASE.]

*Arrangements acquiesced in from 1859 to 1870—
Power to revise cases settled by arbitration, or agreement.*

A, the proprietor of a certain village in B's taluk in Oudh, caused it to be included in B's cabooleut. After the mutiny and the consequent confiscations and restorations, this village was, by the settlement of 1859, annexed permanently to B's taluk; but B was to pay A the value of the village, above the Government revenue, by way of nazurana. A acquiesced in this arrangement from 1859 to 1870, and then sued to be entered as a tikadar in the permanent settlement then being made.

Held, that B having acquiesced in the arrangement for ten years, it was not easy to impugn it successfully; that under Act XXVI of 1866 cases disposed of by arbitration, or agreement of the parties, were not open to revision; and that substantial justice having been done, there was no occasion to reverse three concurrent decisions, or to send the case back for re-trial.

Judgment of the Lords of the Judicial Committee of the Privy Council on the appeal of Seth Seetaram and another v. Janki Pershad and another, from the Court of the Financial Commissioner of Oudh, delivered 19th February 1874.

Present.

SIR JAMES W. COLVILLE.
SIR BARNES PEACOCK.
SIR MONTAGUE E. SMITH.
SIR ROBERT P. COLLIER.

SIR LAWRENCE PEEL.

THE appeal in this case is against the final order of the Financial Commissioner, who, upon special appeal, confirmed the order passed by the settlement officer, Captain Young, and an intermediate order of the Commissioner, Mr. Thompson. The question was, whether, upon the permanent settlement of the taluk belonging to the appellants, respondents, who were the plaintiffs in the suit, were entitled to be entered in the settlement papers as tikadars of the Mouzah Nikara under the talukdars.

It is clear, so far as the facts appear upon this record, that this particular village did not originally form part of the appellants' taluk. It appears to have belonged to one Sheo Singh, who mortgaged it to the respondents. For the purposes of this appeal their lordships cannot enter into any question of right which may be subsisting between Sheo Singh and the respondents. It must be taken that the respondents, as between them and the talukdars, were, before the village was brought into the taluk, the proprietors of it. By an arrangement not uncommon between the weak and the strong when Oudh was under native rule, the respondents, or those whom they represent, brought their village within the taluk of the appellants, and caused it to be included in their cabooleut. That they might have undone this, and resumed their original right to settle for the village, in the course of the settlement which was begun immediately after the annexation of Oudh, seems clear. And indeed the judgment of the Deputy Commissioner in the summary settlement proceedings, which will be hereafter noticed, states as a fact, that in Fusly 1264 the plaintiff (being one of the respondents) was settled with separately. Then came the mutiny, and the proceedings of confiscation and restoration which took place after the re-establishment of British rule. The effect of the latter may have been to annex the village permanently to the taluk; but they did not deprive the respondents of the right to a sub-settlement, which is all that they now assert. Upon the summary settlement of 1859 that right came in question, and what I have stated as to the original acquisition by the taluk of the particular property seems to have been admitted by the ancestor of the present appellants. His plea stated: "I admit that the estate belongs to Sheo Singh, and plaintiff has taken it in mortgage, who deposited this estate in my taluka since Fusly 1255, and I remained in possession of its cabooleut up to Fusly 1263." And the only case which he set up was that as it had got into the taluka, he was, according to the present orders of the Government, entitled to keep it. It was, in fact, as much as saying, I have got another man's property, and I intend to keep it. That question was tried upon the summary settlement, and the settlement officer, after full consideration of the rights of the parties, came to the conclusion that the taluk-

dar's claim to absorb the whole proprietary rights of the village was invalid. He accordingly fixed the proportion above the Government revenue, which was to be paid by the respondents to the talukdars by way of nazurana. The effect of this decision was the talukdar got that nazurana, and the other parties got or retained possession of their lands. That decision was confirmed by the Commissioner. It seems to have regulated the rights of the parties, and to have been acquiesced in by them from 1859 until 1870, when the respondents made this application to be entered as tikadars in the permanent settlement which was then in the course of being made in the district. The defence made to that application by the appellants is at page 8; and is thus stated by the settlement officer: "The proceedings alluded to are before me, and the defendants are in Court; they object to plaintiffs being recorded as permanent lessees, and quote Act XXVI, and present circulars and rules in bar of the claim." The question then is whether this Act XXVI of 1866 presents a bar to the claim. The settlement officer thought that under the peculiar circumstances of the case the summary settlement was conclusive. The Commissioner affirmed that judgment; and upon special appeal, the Financial Commissioner overruled the objections which had been taken as the grounds for the special appeal; and held that the acquiescence of the talukdars in the judgment of the Deputy Commissioner, as confirmed by the Commissioner, for a number of years amounted to a tacit assent or recognition of the tenure. He also ruled that under the Circular Order No. 50 of 1867, any application for the revision of the summary settlement should have been applied for within six months of the date of that circular order.

It has been strongly argued that this is wrong; and that upon this application to be entered on the permanent settlement the whole burden of proof was thrown by Act XXVI of 1866, and the rules contained in the schedule thereto, on the plaintiffs, and that they were bound under the second of those rules to prove their title *ab initio*. Their lordships are of opinion that the proceedings upon the summary settlement do afford *prima facie* evidence at least of the respondents' right. The only point which has, at all, pressed upon their lordships was whether there may not have been some miscarriage in the Courts below in treating those proceedings as final and conclusive, and whether the other party may not have lost the right, to which he otherwise would have been entitled, of meeting that *prima facie* case. Upon general principles it is not easy to see how a title established by an adjudication between the parties upon proceedings, however summary, could, after ten years' enjoyment of the property under that adjudication, have

been successfully impugned. And, accordingly, the appellants' objections are almost entirely of a technical kind, and founded on the rules embodied in Act XXVI of 1866. Now their lordships always feel considerable difficulty in dealing with these Oudh cases, and particularly with the effect of the circular orders and the rules which from time to time are laid down for the guidance of the Courts of that province, whose action is somewhat irregular. If Colonel Barrow is right in his view of the effect of the circular order quoted by him, then *cadit questio*; but if Mr. Arathoon, on the other hand, is correct in saying that that rule applies only to a decision under the permanent settlement, or if the issuing of the circular order were *ultra vires*, that particular ground of Colonel Barrow's decision would fail. Their lordships have to deal with a very stringent Act, and an Act which is said to be in its operation retrospective, and, therefore, one which ought to be construed very strictly. The 13th Rule is certainly not in terms limited to decisions upon claims preferred on the occasion of the permanent settlement. It says generally, "Cases in which claims to under-proprietary rights have been disposed of otherwise than in accordance with these rules will be open to revision, but this rule will not apply to cases disposed of by arbitration or by agreement of the parties." If it includes a case in which a claim has been formally decided between the parties upon a summary proceeding, and their lordships are not disposed to say that it does not, then it is difficult to say that the claim to the under-proprietary right was disposed of otherwise than in accordance with the rules, or that the plaintiffs did not, when before the settlement officer on the occasion of the summary settlement, give substantially all the proof of their title which by the second of those rules they are required to give. Nor are their lordships prepared to affirm that the Financial Commissioner of the day exceeded his authority when he issued the circular order in question. Again, this case was of a special kind, the officer who made the summary settlement expressly said that it would not be open to question afterwards; the parties acquiesced in that for a considerable number of years, and it seems to fall within the spirit, if not within the letter, of the exception which embraces cases disposed of by arbitration or by agreement between the parties. Upon the whole, their lordships are strongly of opinion that substantial justice has been done in this case, and that they are not compelled by any of the formal objections which have been taken to reverse the concurrent judgments of three Courts or to send the case back for re-trial.

Their lordships must, therefore, humbly advise Her Majesty to affirm the judgment of the Court below, and to dismiss this appeal.

OFFICIAL PAPERS.

THE TRIPUTHY MOHUNT'S CLAIM TO ENTIRE
AREA OF HOLY HILL.

*Proceedings of the Madras Government, Revenue
Department, 26th March 1874.*

Read the following :—

Proceedings of the Board of Revenue, dated
13th May 1873, No. 782.

Read the following letter from G. BANBURY,
Esq., Director of Revenue Settlement, to
J. GROSE, Esq., Secretary to the Board of
Revenue, dated Madras, 23rd April 1873,
No. 767-29 :—

I HAVE the honour to request the Board's

To Collector, perusal of the accompany-
ing copy of a letter from
18th March 1873, Mr. Rundall and of the
No. 192. Acting Collector's reply

From Collector, thereto. It will be seen
25th March 1873, that the Mohunt of Tri-
No. 285. puthy now claims the right

of possessing the entire
area of the holy hill; that the boundaries of
Tirumalai, the village at the summit of the
hill in which the pagoda is situated, have
never been marked out; that the case is, to a
certain extent, pending before the Inam Com-
missioner; and that the inhabitants of twelve
villages at the foot of the hill plead their re-
spective rights to possession of portions of the
slopes, now all claimed by the Mohunt.

2. As this is a case of some importance, as
its remaining unsettled prevents our work from
being closed, and as the matter is hardly likely
to be settled by further correspondence in the
ordinary course, I would suggest that one of
the District Revenue officers might perhaps
be deputed to consider and report upon the
Mohunt's present claims for the Board's orders.
As Mr. Wilkinson, the Sub-Collector, an officer
of standing and experience, is now doing the
jummahbundy of the Chittoor Taluk, the Board
might ask him to take up this investigation in
Chendragherry, the taluk adjoining, when his
present task is completed. Mr. Rundall would,
of course, furnish to the officer deputed any
aid that we could afford. As soon as the ques-
tion of the Mohunt's title to the entire hill has
been settled, the rest of the task can be carried
out by this department in due course.

ENCLOSURE No. 1.

From C. RUNDALL, Esq., Deputy-Director
of Revenue Settlement, Nellore and North
Arcot, to H. SEWELL, Esq., Acting Col-
lector of North Arcot, dated 18th March
1873, No. 192-34.

In my letter of 12th March 1872, No. 163-17,
I brought to notice that the boundaries of the

Tirumalai village, No. 32, of the Chendragherry
Taluk, constituting Upper Tripathy, or the
plateau of the Tripathy hill, required to be
defined; and I requested, as there were no
regularly constituted village-officers, that some
Revenue subordinate might be nominated to
point out the limits with the adjacent villages
on the hill, and see that the area was correctly
demarcated. In reply, I was informed by your
office letter, No. 164, of 27th idem, that the
Tahsildar of Chendragherry had been directed
to depute one of his Revenue Inspectors to
attend for the purpose. Subsequently, by
letter, No. 241, of 11th May, I was informed
that the Mohunt strongly objected to any inter-
ference of this department with the sacred
hill, and you requested me to defer taking any
steps to define the boundaries, until I heard
from you again.

2. On the 7th ultimo, by letter, No. 104-20,
I inquired whether any final orders had been
passed in the matter, and received a negative
reply by docket, No. 12, of 10th idem.

3. When recently at Tripathy, it appeared
to me that the Mohunt's objections were to the
demarcation of the tract of land brought to
notice and reported on
in the letters marginally
noted, and not to the defi-
nition of the boundaries
that might exist on the
hill; and, with the view
of obtaining information,

I directed a Head Classifier to ascertain of the
Mohunt whether the objections raised extended
to the marking of the said boundaries. This
has elicited an expression of opinion on the

part of the Mohunt, and
the vernacular correspond-
ence on the matter, as
enumerated marginally,
is enclosed for perusal.
The return of the same,
when done with, is re-
quested.

4. It now appears that the Mohunt puts for-
ward a claim to the whole of the Tirumalai vil-
lage as belonging to the Tripathy Devasthanum.
I conclude, and assert that there is no occasion
to mark any boundaries, as none exist; and,
moreover, that the line already marked round
the base of the hill defines the limits and rights
of the adjacent villagers.

5. The first question is whether the right
and title to the whole area of Upper Tripathy
or the Tirumalai village, which the Mohunt
thus assumes and contests to be invested in the
Trustees of the pagoda, is valid and needs be
recognized or otherwise. Apparently, Tiruma-
lai has heretofore been always regarded as a
Government village, and at the time of the
Paimash was left unmeasured, and, therefore,

had no recorded area. It is to be inferred from the Mohunt's letter that it was not measured by reason of objections formerly preferred by his predecessor in office or others connected with the pagoda. It occurs to me that, had the Trustees of the pagoda any valid right or title to the whole village as now asserted, they would not have failed to prefer the same before the Inam Commissioner; for they were well acquainted with the scope and inquiries of the Inam Commission, as several valuable grants of inam land are attached to, and belong to the pagoda. Again, they would surely have brought their claim forward then. Exception was taken to the enjoyment of the tamarind gardens in Upper Tripathy referred to in the correspondence specified above at paragraph 3, which has seemingly been submitted to the Board for the orders of the Inam Commissioner. As I am not aware that any such claim had hitherto been preferred, I conclude that none has been; but you will be conversant with the same if any had been put forth.

6. In dealing with the question of the Tirumalai village, therefore, I have the honour to inquire whether the pretensions of the Mohunt require to be recognized or ignored by this department.

7. It is of little use asserting, as the Mohunt does, that there are no boundaries to define on the hill, and that the line marked round the base of the hill defines the right of the adjacent villages (some twelve in number); for that line was marked by this department solely for survey purposes. On the other hand, the adjacent villagers claim the actual boundary of their villages to run up and extend some distance more or less up the hill; and the claim appearing good must necessarily be inquired into and disposed of on its merits. The actual settlement of the boundary cannot be overcome; and, as it had been in abeyance for upwards of one year, I request I may be permitted to arrange for its being proceeded with as soon as you may answer the query contained in the preceding paragraph.

8. Care will, of course, be taken that the hill is not invaded by others than those who have a perfect right to frequent the sacred locality.

As a rule, the boundaries are at the edge of the hill, and a very considerable distance from Upper Tripathy Proper.

9. Should the claim of the Mohunt require to be ignored, it will be advisable that some Revenue subordinate should be deputed to point out the claims, and look after the interests of the Tirumalai village in the settlement that must necessarily be made in the case of each adjoining village. Should you deem it desirable, a representative of the Mohunt might be associated with the Revenue subordinate,

merely as the representative of a party or occupant interested in the settlement of the boundaries of the village of Tirumalai, but not as the inamdar or possessor of the whole village.

10. In the scheme for amalgamating the villages for the Chendragherry Taluk, recently approved by the Board of Revenue, Proceedings, No. 168, dated 7th February, Tirumalai was inserted in Statement No. 2 to be amalgamated with Tripathy, the village below the hill; and by paragraph 6 of the Proceedings, sanction is accorded to the transfer. Tirumalai, therefore, requires to be demarcated as one village with Tripathy, unless these fresh claims render a reconsideration of the question desirable.

Memorandum from H. SEWELL, Esq., Acting Collector of North Arcot, to C. RUNDALL, Esq., Deputy Director of Revenue Settlement, Nellore and North Arcot, dated 25th March 1873, No. 285.

In returning the enclosures of the above letter, informs that the question of demarcating the Tripathy hill is in correspondence between this office and the Inam Commissioner, and that the undersigned is at present unable to give his opinion on the subject, until it is finally disposed of by the Inam Commissioner.

(Signed) H. SEWELL,

Collector.

(True Copies.)

(Signed) G. BANBURY,

Director of Revenue Settlement.

Referred for the observation of the Inam Commissioner.

Proceedings of the Board of Revenue, dated 5th June 1873, No. 945.

Read Proceedings of the Board of Revenue, dated 13th May 1873, No. 782.

Read the following Official Memorandum from W. ROBINSON, Esq., Inam Commissioner, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Madras, 29th May 1873, No. 278:—

The Inam Commissioner concurs with the Director of Revenue Settlement that the Tripathy Mohunt's claims, which have been long pending in this office likewise, should form the subject of an early local inquiry. So lately as the 3rd February last, the Collector was requested to send an early report, but has not yet done so.

2. The Inam Commission accepts Mr. Banbury's proposal that Mr. Wilkinson should

conduct the inquiry, and proposes to transfer to him the correspondence in this office.

Communicated to the Collector of North Arcot, who will direct the Sub-Collector to investigate the matter in person and report as soon as possible.

Proceedings of the Board of Revenue, dated 20th February 1874, No. 385.

Read again Board's Proceedings, dated 13th May 1873, No. 782, and 5th June 1873, No. 945.

Read the following papers :—

From W. S. WHITESIDE, Esq., Collector, North Arcot, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated Chittoor, 29th September 1873, No. 617.

Adverting to the Proceedings of the Board, dated 5th June 1873, No. 945, I have the honour to forward copy of Mr. Wilkinson's report, dated 10th instant, No. 395, together with the original enclosures received therewith, being the statements of witnesses recorded by him, the documents filed by the Mohunt and by the Tahsildar of Chendragherry on behalf of Government.

2. The report deals so fully with the question at issue, viz., the ownership of the hill and the forests thereon claimed by the Mohunt, that I do not feel called upon to reiterate the facts stated by Mr. Wilkinson, to whom the inquiry was specially referred by the Board.

3. After a careful perusal of the report and the papers upon which it is based, I can come to no other conclusion than that arrived at by Mr. Wilkinson, that the Mohunt has failed to establish his claim or right to the hill and the forests, except to a small portion of the jungles in the immediate neighbourhood of the temple at Upper Tripathy.

4. On the other hand, from the evidence adduced by the Mohunt and by that offered by the Chendragherry Tahsildar, it is abundantly clear that the Government have, up to the date of the claim, treated the hill and the jungles as their own property, and have, in proof thereof, exercised acts of ownership quite inconsistent with the exclusive possession now claimed by the Mohunt. The Government right is, however, subject to certain rights of ways upon the hill leading to the temple and of the lands claimed as inam by the Agent and Manager of Galigoparam.

5. These and other rights of similar nature should, I agree with Mr. Wilkinson, be recognized by the Government when they formally assert their right in supersession of that set up by the Mohunt.

6. Mr. Wilkinson, in paragraph 23, alludes to an order, marked S, of the Acting Collector, Mr. Sewell, dated 22nd May 1873, No. 170, as the first and only document which at all distinctly recognizes the Mohunt's right to the forests on the Tirumalai hill.

7. This order was issued upon a reference by Nummiah Chetty who was then acting as Tahsildar of Chendragherry, and who had had but a few days' experience of the taluk when he wrote his report.

8. The report itself is very carelessly worded, and, although it professes to treat of the forests in general upon the Tirumalai hill, refers specially to a certain order of the late Assistant Collector, Mr. Sewell, No. 109, dated 19th April 1872, who, on his own responsibility, and without reference of any kind to this office, and upon the evidence of a few witnesses who are the servants of the Mohunt, directed that a portion of the forests in question within certain boundaries, which he specified in that order having been granted to the temple by a former Poligar of Mamandoor (since resumed), and used by the temple for its own purposes, should not be interfered with.

9. This order, to which Mr. Wilkinson alludes in paragraph 52 of his report, was issued without, as I have stated, any reference or notice to this office; and the Tahsildar having referred to it in his Arzi as if it supported the Mohunt's claim to the *whole* forests, the Acting Collector declined to interfere, and desired the party who wanted wood from the Tirumalai forest to make his own arrangements with the Mohunt.

10. At the time this order was issued, neither I nor my Sheristadar was in the district. We were both absent on leave, and our successors were new. The *Acting* Sheristadar, moreover, was at the time absent at Arni on jumlabundy business, and the Arzi was read by the Vernacular Head Clerk, Narainasawmi Mudali, who prepared the Takeed according to Mr. H. Sewell's English order recorded on the Tahsildar's Arzi. I am not prepared to impute any bad faith to the Head Clerk who was possibly unaware of the existence of the claim by the Mohunt.

11. The whole thing is the result of misapprehension from the beginning to end. The Mohunt cannot, of course, be allowed to take advantage of this order, which was passed long after the date of his claim, and only a few weeks before the inquiry commenced.

12. I have called upon the Tahsildar, Nummiah Chetty, to report what he meant by writing his Arzi about the Tirumalai forests in general, and relying in support of his argument on the Assistant Collector's order, which only treated of a particular portion thereof.

When his reply is received, I will send it to the Board if necessary.

13. It is also worthy of note that no copy of the Assistant Collector's order, or of the correspondence which gave rise to it, was forwarded along with the Tahsildar's Arzi. It is much to be regretted that the Assistant, Mr. R. Sewell, should have taken it on himself to dispose hastily, and without reference to me, of so very important a matter as the Mohunt's claim to valuable forests on the Tripathy hills; for, the Board will perceive, it was the fact of such an order having been issued that enabled the *Acting* Tahsildar to address his Arzi to the late Acting Collector, Mr. H. Sewell, and which induced that gentleman to issue the Taked on which the Mohunt now lays so much stress.

14. The documents in this case will be sent in a box by rail, as per enclosed list:

ENCLOSURE No. 1.

From F. WILKINSON, Esq., Acting Sub-Collector of Salem, to W. S. WHITESIDE, Esq., Collector of North Arcot, dated Oosoor, 10th September 1873, No. 395.

I have the honour to submit the report called for in Proceedings of Board of Revenue, dated 5th June 1873, No. 945. In the docket on the above Proceedings, it is stated that I am deputed to investigate and settle the boundary-dispute between Tirumalai village at the summit of the Tripathy hill and villages at foot of the hill; but in the letter of the Director of Revenue Settlement (in Proceedings, Board of Revenue, dated 13th May 1873, No. 782), which gave occasion to this investigation, the point which it is suggested I should be directed to report on is the claim of the Mohunt to the whole area of the Tripathy hill. The two questions are so intimately connected that I have thought it best to report on the whole subject and not to confine myself merely to defining the boundaries of the Government villages at the foot of the hill.

2. I enclose a precis of the correspondence on the subject of Tripathy hill, which has taken place
 Marked AA. between the Inam Commissioner and the Collector,
 Marked BB. as well as between the Collector and the Deputy Director of Revenue Settlement.

3. Before commencing my report on the Mohunt's claims, a brief description of the hill may not be out of place, and will serve to render some parts of the report more intelligible. The range of hills on which the celebrated Tripathy pagoda stands are situated in the north-east corner of the Chendragherry Taluk. The ascent commences at the Adipadigoparam or

portal, which is about half a mile distant from Lower Tripathy. Beyond this goparam, none but Hindoos are allowed to proceed. At the summit of the slope stands the Galigoparam or portal where a light is kept burning every night. The distance from here to Upper Tripathy is six miles. The road or path which passes through scrub-jungles, and is in many places very precipitous is paved with stone. There are mantapams and halting places at different intervals. The road, mantapams, &c., are in indifferent repair.

4. About half way between the Galigoparam and Upper Tripathy, there is a fine well, said to have been sunk by one of the predecessors of the Mohunt. Adjoining it is a mattam and a tope containing fruit-trees which is kept up by the Mohunt himself. This tope is not entered in the list submitted by the Tahsildar of Chendragherry to the Inam Commissioner. I was told that the produce is devoted to charitable purposes, though the tope is not connected with the Devastanam. Its extent is said to be about fifty cawnies.

5. The village of Tirumalai or Upper Tripathy lies in a hollow, surrounded by hills on every side, but the east or south-east. In the centre is the great temple with its gilded dome. Round the temple runs a broad street, along which the car is dragged. Facing the street are a large number of mattams and chuttrams belonging to different Zemindars and private individuals. These mattams are let out to pilgrims during the festivals, and are a source of profit to their proprietors. At the back of the mattams and chuttrams are topes containing jack, orange, plaitain, mango, and other fruit-trees. On the south-west on the path leading to Chendragherry is a fine tank from which the topes are watered.

6. Beyond the topes is jungle. I did not observe many large trees in the jungle immediately round Upper Tripathy, but there is abundance of firewood.

7. There are four roads or paths from Upper Tripathy: the most frequented path is the one which leads to Lower Tripathy, passing through the Galigoparam; another path leads to Chendragherry; a third to Balapalli; and a fourth to the tirthams or water-falls.

8. I received the correspondence referred to in the second paragraph on the 4th August, commenced my inquiry on the 8th, and concluded it on the 18th idem. The Peishcar (or Sheristadar, the real Manager of the Devastanam I was told) who appeared on behalf of the Mohunt filed twenty-nine documents and examined twenty-two witnesses. The Tahsildar of Chendragherry, who appeared on behalf of Government, put in eleven documents and examined ten witnesses.

9. From the written statement (marked X) put in by the Peishcar, it appears that the Mohunt claims the whole of the range of hills on which the Triputhy pagoda stands. He states that the hill is known by two names: Tirumalai Konda and Narayana Paravatam. This statement is incorrect. During the whole of the inquiry the hill was never once alluded to by the latter name, which is the name given to one of the small hills which bound the valley in which Upper Triputhy lies.

10. The Peishcar goes on to say that the lands and other possessions attached to the temple were never subjected to pymaish, but have always been permitted to be enjoyed free. This is begging the whole question. He has first to show that the lands were attached to the temple. What he evidently means is that, as in the pymaish accounts, the only entry for the Tirumalai village is "Tirumalai Revenue No. 32," and no extent or boundaries are given, it must be concluded that the village belonged to the temple. The real reasons why the hill was not pymaished appear to have been two: first, it is covered with dense and in many places impenetrable jungle; and, secondly, none of it is cultivated. These are the reasons assigned in a document put in by the Peishcar himself, and marked U. Moreover, the fourth witness (produced by the Tahsildar), who was Curnum of Lower Triputhy from 1829 to 1840, deposes: "No pymaish was made of the Tirumalai hill when the Mamandoor Polliem was resumed by Government, because the Pymaishdar reported that the jungle was too dense for survey operations, and that survey was unnecessary as there was no cultivation." Presumably for these same reasons in many other villages in the Chendragherry Taluk the hills are not entered in the pymaish accounts.

11. The Peishcar ends by saying that he is prepared to establish the rights of the Devasthanam by Sashanams and other documents. Not one Sashanam was filed, and the only one I heard of is noticed in paragraph 40 of this report.

12. I now proceed to notice the documents filed in support of his claim. A is a cowle addressed to all kavalgars, archakams, &c., at Triputhy, and assures them that all inams and such religious rites as are connected with the establishment of the pagoda shall be continued without interruption in conformity to long established custom, and that only those castes hitherto admitted on the hill will, in future, be allowed that indulgence. It is dated 9th September 1801, and is signed by Mr. Stratton. I would call attention to one point in this cowle, viz., the mention of inams which are to be continued. The Peishcar states that all these inams (enumerated in an Appendix to Mr. Stratton's report marked B) were enfranchised by the Inam Commissioner, and that he held a

Vakalat on behalf of the Mohunt during the inam inquiry. He also admits that no application was made by the Mohunt to enfranchise the Tirumalai village or hill.

13. The next document, filed by the Mohunt, is a report* on the Triputhy pagoda by the Collector, Mr. Stratton, who states that it is his intention to

define the sources of revenue from the Triputhy pagoda. These he classes under four heads: first, oblations; second, presents; third, receipts, such as money paid by devotees for seeing the idol washed, dressed, &c., and for seeing the different processions; and fourth, certain farms or licenses, such as the farm of selling sweetmeats which have been offered to the idol, and the tax on barbers. He states that the revenues of the pagoda have ever been considered the right of the Sircar. In one of the appendices to his report, Mr. Stratton gives a list of the inam villages below the hill enjoyed by Brahmins and others attached to the Triputhy pagoda. Mr. Stratton nowhere alludes to the hill as attached to the pagoda as an inam, nor is the Galigoparam inam (of which more hereafter) entered in the Appendix.

14. The Peishcar laid great stress on the 2nd paragraph of Mr. Stratton's report which, in his opinion, proved that Mr. Stratton considered the Adipadigoparam as one of the boundaries of the sacred hill, and that the hill was the Hindoo pujah stalam. All that Mr. Stratton says is that all other castes but Hindoos, are restricted from passing the Adipadigoparam, and that in such veneration is the hill held that pilgrims prostrate themselves on obtaining the first sight of the range. How this can be supposed to mean that the whole range of hills was attached to the pagoda I fail to see.

15. Document C, a sheet of the Ordnance Map, is noticed below in paragraph 45. The Peishcar argues that the entry, "The sacred hills of Triputhy," belongs to the god, i. e., is attached to the temple.

16. D is a Sunnud granted on the 10th July 1843 to the Mohunt of Hatteram mattam at Tirumalai and Triputhy. In it the Mohunt is informed that the Tahsildar has been ordered to give him possession of nineteen pagodas and the temples appertaining thereto, as well as personal property, such as locks, keys, &c. of the several pagodas. The villages and lands enjoyed by the worshippers, priests, and Jeyangars (those mentioned in the Appendix of Mr. Stratton's report) are mentioned, but there is no allusion to any land as attached to the pagoda, and nothing is said about the hill and the jungle thereon. From the date of this Sunnud all connection of Government with the Devasthanam ceased, and surely, if the Government

of that day had intended that a valuable jungle tract of 100 to 150 square miles should be alienated and handed over to the Devastanam, some mention of it would have been made in this Sunnud. All that was given up to the Mohunt was the nineteen pagodas and temples attached thereto, and Government evidently reserved to themselves the hill with its extensive jungles.

17. E is a Khat addressed to the Mohunt by the Collector, Mr. Bourdillon, on the 28th August 1848, informing him that the Tahsildar has been directed neither to measure nor to impose any rent on the flower gardens at Upper Tripathy, inasmuch as they are exclusively in the enjoyment of the temple, and have not paid rent to Government for many years. (The Arzi of the Tahsildar on which this Khat was founded is marked P. It calls for no remark). On this I would observe that Mr. Bourdillon speaks of the topes in Upper Tripathy as mere flower gardens, whereas, on my inspection, I found that they contained valuable fruit trees and few or no flowers. Again, he says, their produce is exclusively enjoyed by the temple, whereas it is in evidence that only part of the produce is devoted to the temple, and part is appropriated by the proprietors themselves. It is evident, therefore, that the information on which Mr. Bourdillon acted was not strictly correct.

18. F is an Arzi addressed to the Mohunt by the Tahsildar of Chendragherry in 1862, informing him that the Tahsildar has no objection to the Mohunt making arrangements for the safety of the pilgrims coming from Chendragherry by clearing jungle and keeping katubadi peons. The only way in which this bears on the inquiry is this: it shows that in 1862 the Mohunt thought it necessary to obtain the sanction of the Government officials before clearing the jungle on the sides of the path. G is an Arzi from the Tripathy Sub-Magistrate to the same effect, with reference to the Bala-palli ghaut.

19. H is a Khat addressed to the Mohunt by the Collector in 1871, requesting him to issue the necessary orders permitting the contractor who had undertaken the repair of the "Veikalu mantapam" to take earth for burning bricks at a reasonable distance from Upper Tripathy. The Mohunt construes an act of politeness on the part of Mr. J. D. Robinson as an admission by him of the Mohunt's right to the Tripathy hill. The reason permission was asked was probably the vicinity of the brick-kiln to the temple. The document marked I is merely an estimate for the repair of the said mantapam.

20. The documents marked J, J, will be noticed further on. So far from establishing the Mohunt's claim, they go to show that he

never enjoyed more than a very limited portion of the jungle, and that in the immediate vicinity of the temple.

21. The documents marked K, L, M, N, and O, are accounts for Fuslies 1251, 1252, 1254, 1257, and 1258, filed by the Mohunt to show that in those years he leased out the soapnuts on the hill. The Devastanam was not handed over to the Mohunt till Fusly 1253, and while it was under Government no separate accounts were kept of the Devastanam and Government revenues. To show, however, that the Mohunt had nothing to do with leasing out the soapnut trees before Fusly 1256, it is only necessary to consult the entry in the accounts for Fusly 1252, in which it is expressly entered that the value of 5 maunds of soapnuts had been taken for the use of the pagoda, and the remaining 25 maunds sold by Government at $1\frac{1}{4}$ Rupees per maund. In Fusly 1254 the entry is "purchase of soapnut, Rupees 8-10-0." This is no evidence for a lease. From the accounts for Fuslies 1257 and 1258 it appears that a certain sum was realized by the lease of soapnuts in Fuslies 1256 and 1257, and credited to the Devastanam. This point will be explained further on.

22. Q is a report submitted by the Tahsildar to the Assistant Collector on an application made by one Subba Rao for 15 cawnies of land on the hill, at 4 Annas per cawny. The Assistant Collector (R) rejected the application, on the ground that "Mr. Bourdillon had, in 1848, directed that the lands should be reserved for charitable purposes." It is evident that the Assistant Collector never read Mr. Bourdillon's order of 1848.

23. S is a Takeed to the Tahsildar directing him to inform the party who had contracted to repair the Mysore Rajah's chuttrum that the permission of the Mohunt should be obtained before he began to cut wood in the jungles on the hill. This is the first and only intimation we have of the Mohunt's right to the jungle on the hill. The order was issued by the Acting Collector, Mr. Sewell, on May last, at which time a peon of the Forest Department was stationed on the hill to prevent unauthorized felling of timber. T is a report of no value by a Revenue Inspector, dated 10th April 1873.

24. U is an Arzi addressed to the Collector by the Tahsildar of Chendragherry, furnishing certain information required by the Inam Commissioner. The Tahsildar reports that the extent of the hill cannot be accurately ascertained, as no pymaish was made on account of the jungle, that "the Mohunt is unable to give the exact extent claimed by him, but thinks it is about 100 to 150 square miles," whereas the Revenue Inspector estimates that the extent of land in enjoyment of the temple is

about 40 square miles. The Tahsildar stated that the extent of land occupied by topes was 78 acres, that there was no other cultivation on the hill, and that no assessment was levied on the topes. From this it will be observed that in April last the Mohunt had not made up his mind as to how much of the hill he should claim.

25. I now come to the witnesses, many of whom are the servants of the Mohunt or Devastanam.

The points which the witnesses were called to prove appear to be the following:—

(1.) To whom does the hill belong?

(2.) By whom has the right of cutting firewood and other wood in the jungles on the hill been enjoyed?

(3.) By whom have the fruits on the hill been gathered and enjoyed?

(4.) To whom is rent paid by the shopkeepers in Upper Tripathy?

26. On the first point the witnesses assert that "the hill belongs to the Swami or god." Their reason for saying so is that as pilgrims visit the ten or fifteen different tirthams or water-falls, which are situated at some distance from Upper Tripathy, for the purpose of bathing, and as the repair of the road to these tirthams and the repair of the mantapams and shrines thereon is or should be executed by the Devastanam, therefore the hill belongs to the god.

27. It is impossible to give the exact distances of these water-falls from Upper Tripathy, as the witnesses' statements on this point are very conflicting. It appears that the distant tirthams or water-falls are visited once a year by the pilgrims. On these occasions people bathe in the pools, the puranas are read, and rice is distributed. One tirtham, by name Akasa gunja, is about a mile from Upper Tripathy. From this the water in which the god is bathed is daily brought to the temple.

28. The statement that the mantapams, &c., on the road to the tirthams are repaired by the Devastanam must be received with some modification, as the Peishcar who has been in the service of the Devastanam twenty-four years deposes that since he has been Peishcar he has not known any money expended on repairs. If one may judge of their condition from that of the mantapams, &c., on the road from the Galigoparam to Upper Tripathy, I should say that, though it was generally considered to be the duty of the Devastanam to repair these mantapams, little or no money had ever been expended on them.

29. Be that as it may, the question remains whether, because once in a year pilgrims bathe in the pools at the foot of certain water-falls, all the jungle between those water-falls and

Upper Tripathy can be considered to belong to the Devastanam; for this is the point urged by the Mohunt and his followers.

30. As far as I could ascertain from personal inquiry when at Upper Tripathy, all these tirthams are situated on the northern and eastern sides alone, and there are none on the south and west. If, therefore, the above argument were good, it does not apply to the whole hill.

31. Probably aware of this, some witnesses were produced to speak to the actual boundaries. Their evidence on this point is of so much importance that I shall give it in full.

32. The first witness states that the Hindoo pujah stalam (the place of Hindoo worship) begins from a tirtham named Strinivasa Pushkaranai (where are some feet of the god on a rock) about two miles from Balapalli on north-east; that the eastern boundary of Tirumalai is Kirkambadi and Mamandoor, the western Nagapatla, Gopalapuram, and the Cuddapah frontier, and the southern the Adipadigoparam.

33. The second witness says, the boundaries of the Tirumalai are, on east, Strinivasa Pushkaranai; on west, Rolla-kanama; on the north, Sris-alam. The fifth witness merely says, the boundaries of the temple are beyond the tirthams. The ninth witness says, as the pilgrims go as far as the tirthams, which belong to the god, I should say they, i.e., the tirthams, are the boundaries of Tirumalai.

34. The eleventh witness says: "On the Balapalli side, Strinivasa Pushkaranai, and on the east, Tumbarkona, are the boundaries of the hill which belongs to the god." The twelfth witness gives the following boundaries of the hill:—Nagapatla, Tumbarkona, Balapalli, and Kirkambadi. He adds, there are no boundary marks.

35. The thirteenth witness gives the following as the boundaries "of the jungle":—"On the west, Jandaipetro, a big rock on the top of the hill; on the north-west, Gollabratsa; on north, Venkatagiri Rajah's chuttrum; and on the east, Atimana Chellama, an Ati tree, and a spring also on the top of the hill." These are the boundaries of the jungles; but he says he heard from his ancestors that the boundaries of the Devastanam were the barber's mantapam on the top of the Chendragherry ghaut and Narayana Paravatam (one of the hills mentioned in paragraph 5, as bounding on one side the valley in which Upper Tripathy lies). He adds that his ancestors told him that all that belonged to the Devastanam was the village of Upper Tripathy, the topes immediately round the village, and the jungle for about one mile all around.

36. The only other witness who speaks to the boundaries is the seventeenth. He says, "The Tirumalai hill belongs to the god. Its

boundaries are Mamandoor, the feet of the god near Balapalli, the Adipadigoparam, and the Chamala jungle.

37. With reference to the statements of the first and seventeenth witnesses as to the feet of the god on a rock, it is admitted both by the Peishcar and the seventeenth witness that these feet are to be found everywhere, and are no proof of a boundary.

38. The remaining witnesses say they do not know if there are any boundaries, nor what they are, and one old gentleman of seventy-eight says, with the piety characteristic of his age, "there are no boundaries; everything belongs to god."

39. We have now to compare the boundaries as given by these witnesses, conflicting as they are, with those claimed by the Mohunt as set forth in his written statement (marked X) and in the Ordnance Map (marked C) which he files.

40. The Mohunt in X says, the Tripūthy hill is bounded on the west by the Sashanam put up at Errabontalakona to mark the boundary between the Kirkambadi Polliem and Tripūthy.

41. The Peishcar in his deposition says, "I heard that this Sashanam was a stone on the hill, bearing the image of Vishnu, and the word Tirumalai." If there is such a stone, it is strange that no witnesses could be produced who had seen it, and that none of the witnesses who speak of the boundaries say anything about this wonderful stone. I fancy it had its origin and existence in the Peishcar's fertile brain. The Curanns of the villages thereabouts have never heard of its existence.

42. The Mohunt goes on to say, the Tripūthy hill is bounded on the north (query, if it is the north, the Cuddapah frontier is on the north, the Cuddapah villages on south) by the demarcation stones placed by the Settlement Department at the foot of the hill to mark out the limits of Timmanaidi Polliem, Tripūthy, Puthupatla, and other villages, on the east and south by similar demarcation stones.

43. Now, can anything be more absurd than to claim as the boundaries of the Tripūthy hill,—boundaries which the Mohunt would have us believed have been respected by Hindoo and Mahomedan Governments for centuries,—certain stones placed about a year ago by the Settlement Department simply to facilitate the survey operations. Mr. Randall, in a letter to me, dated 22nd July, says, "The line marked along the foot of the hill, which the Mohunt now asserts to be the true boundary of the hill, was made for survey purposes;" and the Head Classifier, by whom the said line was defined and cleared, deposes to the following effect:—"We have fixed stones at the bottom of the

hill to facilitate the survey, as they mark jungle and cultivation differently in their plans. There was never any idea of this being a boundary line. The big stones in brick and chunam were put down for triangulation."

44. This disposes of the Mohunt's claims to have the stones put down for triangulation, regarded as the boundaries of the hill, and when I come to examine the boundaries of the Government villages according to the pynaish accounts, it will be seen that they extend a considerable distance beyond the said stones.

45. In the Ordnance Map the hill is marked as "Tirroo Mally, the sacred hills of Tripūthy." Strinivāsa Pushkarana, mentioned as a boundary by some of the witnesses, is entered as a village beyond the slopes of the hill. Mamandoor, Kirkambadi, and Nagapatla, are a considerable distance from the foot of the hill. Tumburkona is apparently entered as the name of a river, and is also at some distance from the Tirroo Mally. So far, then, from the plan C supporting the pretensions of the Mohunt, and the boundaries of the Tirumalai hill as given by himself or his witnesses, it, in my opinion, goes to show that they are unfounded, and that no reliance can be placed on the loose and inaccurate statements of the witnesses.

46. We now come to the second point for which witnesses were called, viz., to prove that the Mohunt has always possessed and exercised the right of cutting firewood and wood for the repair of the car, &c., on any part of the hill. The evidence on this point is most contradictory and unsatisfactory. Some cooks of the temple were produced, who deposed that firewood was cut at a distance of three or four miles from the temple. Other witnesses said when wood was required for the car it was brought from Tumburkona and distant jungles; none of the witnesses had seen traces of its having been cut. On the contrary, the first witness, one of the most influential followers of the Mohunt, says, "Firewood is brought to the Devastanam from a distance of two miles. Twenty years ago wood was brought from a distance of six miles to construct a new car;" and the second witness, also a man of position, says, "The wood for the repair of the car was cut in the jungle close to Upper Tripūthy, and part was brought from Madras."

47. Had wood been cut at Tumburkona and other distant jungles, it would surely have been easy to produce the persons who had felled the jungles, or the carpenters who had worked up the rough wood for the car. Instead of that, one or two cooks, a temple monigar, and others are brought forward to say they have seen wood being brought from a distance, but they cannot say where it was cut nor when. I cannot place any reliance on their vague statements, and think the Mohunt

has entirely failed to show that he has ever exercised a right of cutting wood where he liked. The Peishcar admits that the jungles on the hill have never been leased out by the Mohunt; that he has never issued licenses for cutting wood, nor maintained any establishment for the protection of the jungles. Is it to be supposed that, if the Mohunt had ever imagined that the whole of the jungle on the hill was attached to the Devasthanam, he would have taken no steps towards protecting such a magnificent property and realizing a revenue therefrom?

48. A few witnesses only were called to say that all the fruits found in the jungles on the hill are used for the god. When one considers that the whole of the hill, the area of which may be estimated at 100 to 150 square miles is covered with jungle, the bare statement of five witnesses (two of whom are mere shop-keepers), that all the fruits, the produce of the jungles, are enjoyed by the Devasthanam, cannot be considered of any value. The Poligar of Mamandoor, on the other hand, states that, until his Polliem was resumed by Government, he, as his ancestors before him had done, granted leases for the honey, wax, kadukai, and other fruits on the hill, and the other witnesses called by the Tahsildar state that after the resumption Government continued to grant such leases. Of this, however, the Tahsildar could produce no proof from his records. The fourth witness produced the accounts mentioned in paragraph 21 to prove that the Mohunt had exercised the right of leasing out the soapnuts. This point was commented on there, and will be noticed again when I come to the evidence adduced by the Tahsildar.

49. Three witnesses were called to depose to the fourth point, and documents marked V, V1, V2, and W, were put in to prove that rent for shops at Upper Triputhy had been paid to the Mohunt. The twenty-first witness admitted that W was a genuine document executed by his father. This document was executed in 1853, and the executor binds himself to pay Rupees 4 per annum for a portion of a mantapam used by him as a shop. The other three documents were repudiated by the witnesses, and there is nothing to show that they are genuine.

50. I have now noticed the whole of the evidence, oral and documentary, adduced by the Mohunt in support of his claim, and proceed to examine the points adduced by the Tahsildar contra.

51. The Tahsildar of Chendragherry advanced the following objections to the claim of the Mohunt to the whole of the Triputhy hills:—

(1.) A former Poligar of Mamandoor granted 2 square miles of jungle for the use of the temple.

(2.) A sunnud is in existence by which 151 odd cawnies of land on the summit of the hill are granted away not to the temple but to the Inamdar of the Galigoparam.

(3.) Government have always retained the right of leasing out the soapnut trees in the jungle round Upper Triputhy.

(4.) Since 1860 Government have levied seigniorage on all wood cut on the Triputhy hill.

(5.) Government formerly exercised the right of granting leases for certain quarries on the hill.

(6.) The pymaish accounts show that the boundaries of the Government villages at the foot of the hill extend up the slopes far beyond the line cut by the Demarcation Department for survey purposes, and which is now claimed by the Mohunt as a boundary line.

(7.) In one village, viz., Timminaidupalayam, land on the summit of the hill is held on puttah, and waste land is entered in the accounts as assessed.

52. It appears that in 1872 a complaint was made by the Poligar of Mamandoor that licenses had been issued by the Monigar of Lower Triputhy for felling wood in the jungle of Gopalapuram, which jungle is situated in the vicinity of Upper Triputhy, and was, he asserted, granted by his ancestors to the temple. An inquiry was held by a Revenue Inspector, depositions and a Mahazarnamah were taken from people who knew the jungles, and a report submitted. Thereupon, on the 19th April 1872, the Assistant Collector issued a Takeed (marked J, put in by the Mohunt in support of his claim) to the following effect:—"The Gopalapuram jungle does not form a portion of that given in endowment to the temple. The jungle granted by the Poligar to the temple is situated within the following limits:—Narayana Paravatam on west, Papavinasana tirtham on north, Vykunta tirtham on east, and Muggubhavi on south. The jungle in question shall continue to be enjoyed exclusively by the temple free from all interference." A copy of this Takeed was furnished to the Mohunt with Khat marked J, but from that day to this he has never made any appeal against, or objection to, this decision of the Assistant Collector. He has tacitly admitted that the decision is right, that a grant was made by the Mamandoor Poligar, and that he was not entitled to anything beyond the above limits. I may add that in the inquiry held by the Revenue Inspector, the records of which I have perused, it was clearly proved that Narayana Paravatam (*vide* paragraph 9) is the name of a hill about a mile from the temple, and that the Devasthanam jungle lay between it and the temple.

53. The evidence on this first point is as follows:—The first witness called by the Tahsildar is the present Poligar of Mamandoor. He heard from his ancestors that about two square miles of jungle, round Upper Tripathy, had been granted by a former Poligar to the temple. In acknowledgment of that grant Rupees 57-1-1 have been, and are still, annually paid to the Poligars of Mamandoor by the Devastanam, and they also receive a valuable cloth which has been worn by the god. Before the Polliem was resumed by Government, this witness exercised the right of cutting wood on the hill, and granted leases for the jungle as his ancestors had done before him. It appears from the pymaish accounts of the village of Nagapatla that when those accounts were prepared, i.e., in Fusly 1215 (1806), the whole of the top of the hill was considered to form part of the Mamandoor Polliem. The entry of the boundary at the summit of the slope is as follows:—"To the limit of the boundary of Mamandoor." Now, the village and Polliem of Mamandoor are at the very opposite end of the range of hills, ten miles or more from Nagapatla; so that it is evident that the summit of the hill was, up to the time the Polliem was resumed by Government, held by the Poligar of Mamandoor.

54. That this grant of jungle was made by a former Poligar is asserted by the Tahsildar's fourth witness, and on this point the Mohunt's second witness says, "I heard from my ancestors that the jungle round the temple had been granted 400 years ago by the Poligars to the temple, and it is from this jungle that the daily supply of firewood is cut, Rupees 51 are paid, and presents given annually to the Mamandoor Poligar in consideration of the above grant." This is confirmed by the Mohunt's fourth witness, who states that the Mohunt annually pays to the Mamandoor Poligar Rupees 57 odd for firewood cut in the jungle immediately round the temple. The nineteenth witness speaks to the Poligar's right to the jungle, and the thirteenth witness, as pointed out in paragraph 35, gives very clear evidence on this point.

55. The Peishcar is unable to say whether such a grant was ever made or not, is not aware of the existence of any Sunnud to that effect, but admits that for a long time Rupees 57 were paid to the Mamandoor Poligar for firewood. In a Khat (enclosed and marked DD) addressed to the 3rd Class Revenue Inspector of Chendragherry Taluk on the 25th April 1872, the Mohunt admits that certain jungle was granted by the former Poligars of Mamandoor Polliem to the Devastanam, and objects to demarcation of the topes within those limits. Again, in his letter to the Board, No. 641, dated 6th December 1872, the Collector of North Arcot reports that "the Mohunt states

that the lands in Upper Tripathy were formerly granted to the pagoda by the Poligar of Mamandoor Polliem, &c." That some such grant, therefore, was made is clear both from the Mohunt's own admissions and from the evidence of his own and other witnesses.

56. To prove the second point, the Vakeel of Bagavandossji, the present occupier of the Galigoparam, files a Sunnud (marked No. 1) and a genealogical tree (marked No. 2).

57. The Sunnud is dated Sarvajittu year, and was issued in the reign of Royalu Viramana Roya Roya Simhasanamvaru, about 400 years go. It is in the form of an order addressed to the persons belonging to the eighteen castes, and is to the following effect:—"On the road to the hill at Galigoparam, the devotee Sarvadoss has settled, and is performing divine worship. The road has been rendered pleasant by his stay there. No one shall interfere with the fruit-bearing trees lying within his limits. The locality in which the devotee has taken up his abode has been granted in perpetuity to him and his followers. It is worthy of notice that in this Sunnud or order the Galigoparam, which is at the summit of the slope, is described as on the way to the hill, i.e., the sacred hill where the god resides, showing that at that time the boundaries of the temple did not extend beyond Upper Tripathy Proper. Again, the grant of the "locality" is made not to the temple but to the devotee residing at the Galigoparam.

58. I had an interview with the present devotee who is anxious that the "locality" granted to him by the above Sunnud should be demarcated, the inam enfranchised, and a title-deed issued to him. The boundaries of the "locality" (in which grow mango, jack, tamarind, and other fruit-trees, the produce of which is given away in charity), as by immemorial tenure, will be found on page 34 of the evidence.

59. In support of his third point, the Tahsildar puts in three documents (marked Nos. 3, 4, and 5). The first two are taluk accounts, showing the amount received on account of the lease of the soapnut trees at Upper Tripathy in Fuslies 1259 and 1260. The temple had been handed over to the Mohunt in Fusly 1253, and with it he contends the whole hill; yet here we have Government granting out on lease trees in the immediate vicinity of Upper Tripathy, and in No. 5 the Collector, Mr. Bourdillon, directs the Tahsildar to put the soapnut renter in possession of the jungle.

60. The third witness, called by the Tahsildar, was first entertained as a goomastah in the Chendragherry Taluk in Fusly 1227 (1817), gradually rose to the position of Taluk Sheristadar, and his now in the enjoyment of a pen-

sion. He states that from the time he entered the public service down to
Vide paragraphs 1843, when the Devastanam was handed over to the Mohunt, Government

leased out the soapnut trees, that then for two or three years the Mohunt assumed the right of granting the leases, until, on a complaint to the Board of Revenue, it was ruled that Government alone had the right to grant such leases. In consequence of this decision, Government have leased out the soapnuts up to the present day. The other evidence on this point is equally clear, and establishes the fact that Government have always reserved to itself the right of leasing out a portion of the jungle in the immediate vicinity of Upper Triputhy, and that the grant by the Mohunt in Fuslies 1256 and 1257 (*vide* paragraph 21) was an unauthorized one.

61. 4°. It is admitted by the Peishcar that, though the Mohunt knows well that for the last five years Government have issued licenses for cutting wood on the hill, he has never questioned the right of Government so to do, nor made any objection on the subject. As a matter of fact, it is thirteen years since the system of issuing licenses and collecting seigniorage came into force. The Tahsildar's witnesses (4th, 6th, 9th, and 10th) prove that ever since then the different Village Munsiffs at the foot of the hill have issued licenses for cutting wood in the Tirumalai jungles, (*vide* the entry in taluk accounts, No. 7). This must have been known to the Mohunt, yet no complaint was made till 1872, and then not by the Mohunt but by the Mamandoor Poligar. In fact, as pointed out above, the Mohunt in 1862 thought it necessary to obtain the sanction of the Chendragherry Tahsildar before clearing the jungle on the ghaut.

62. 5°. On this point there is the following evidence. The fourth witness speaks of the grant of the lease for quarrying sandal stone from 1829 to 1840, and third witness, the Taluk Sheristadar, from 1813 to 1855. No. 9 is a Takeed from the Collector, dated 18th May 1850, accepting the bid of Rupees 100 "for the right of cutting stone on the Triputhy hill." In 1855 the Collector (No. 8) ordered that the lease should be discontinued, on the ground that it was not customary elsewhere. It appears, therefore, that up to 1855, or for twelve years after the Devastanam had been handed over to the Mohunt, Government exercised the grant of leasing out the quarries on the hill. To this also the Mohunt made no objection, nor since Government relinquished it, has he himself exercised the right.

63. The last two points brought forward by the Tahsildar may be noticed together. The fourth witness deposes that, according to the pymaish, the boundaries of the village of

Lower Triputhy are on the summit of the slope, and that one cawny of assessed land on the top of the hill is or was held on puttah. He adds that in the village of Timminaidupalayam, of which he was formerly Curnum, 12 cawnies of land on the summit of the hill have been held on puttah since Fusly 1258 (1848), and that the numbers situated on the summit all bear names in the pymaish accounts.

64. The present Curnum of Timminaidupalayam (sixth witness) produces the pymaish accounts. According to these there are 27 acres of assessed lands on the plateau, the boundaries of which are thus given: "On the Tirumalai hill Gurupadipenta Chennu and twelve others." The Curnum has inspected all these thirteen numbers. They are at a distance of one and two miles from the line cut at the foot of the hill by the Demarcation Department. He states that the ryots of Timminaidupalayam have always grazed their cattle and cut wood on the hill.

65. The Curnum of Lower Triputhy (seventh witness) produced the pymaish accounts, according to which the village lands extend up to the Galigoparam. Three pymaish numbers containing about 1,256 cawnies are situated on the slopes of the hill. Two of these numbers are assessed, and part of one number is held on puttah. The ryots graze their cattle, and cut wood for agricultural purposes on the slopes.

66. The ninth witness produced the pymaish accounts of Puthupatla, the boundaries of which village are at the top of the slope, on which 1,069 cawnies of land entered in the accounts must be sought; that is, the whole of the slopes belong to the village.

67. The eighth witness is a Head Classifier in the Revenue Settlement Department, who has been for some time employed in the Chendragherry Taluk, and is conversant with the claims of the Government villages. He has demarcated the whole of the lands in the villages of Nagapatla and Gopalapuram up to the foot of the slope, and there remain, by the pymaish accounts, 607 odd acres in the former and 453 odd acres in the latter village still undemarcated. These numbers and acres are, he concludes, on the slopes, as he found, by personal examination, that the boundaries given in the pymaish run along the top of the hill, so as to include the whole of the slopes in the villages. In the pymaish accounts of Nagapatla, two of the slope numbers are entered as cattle-stand. (As the extent of these numbers is considerable, I presume by cattle-stand was meant the grazing grounds of the village). At the time of pymaish, the slope numbers in Gopalapuram were under cultivation. In the pymaish accounts of Reppala Makalapalli and of Mutapalayam, no hill poramboke is entered, but the ryots claim the right of grazing, &c.,

on the slopes on the ground of immemorial enjoyment.

68. I enclose, for reference, a Statement* showing all the villages at the foot of the hill, the total extent of the villages

as by the pymaish accounts, the extent on the hill, and at the foot. From this and the above, it will be seen that in five villages the whole of the slopes are included in the village boundaries, that cultivation has been and is still carried on not only on the slopes but on the summit of the hill, and that the ryots of the other villages have, from time immemorial, enjoyed the right of pasturing their cattle and cutting wood for agricultural purposes both on the slopes and on the plateau. Moreover, it appears that a large tract of jungle on the hill has been demarcated as belonging to the Kirkambadipalayam which the Mohunt has tacitly agreed to.

69. There is one other point I would call attention to. It will be noticed that, in paragraph 4, I mentioned a tope or garden which the Peishcar informed me was unconnected with the Devasthanam, and was the private property of the Mohunt. While I was inspecting the different topes at Upper Triputhy, he continually impressed the same fact upon me, viz., that such and such topes were the Mohunt's private property, and did not belong to the Devasthanam, although the produce was devoted to charity. It is difficult to see how, if, as the Mohunt contends, the whole hill belongs to the Devasthanam, any part of it can be his private property. There is no doubt that, if the Zemindars and others at whose expense the topes at Upper Triputhy were planted, and are kept up, were consulted, they would claim the topes as their private property, and argue that, though the produce was given in charity, the topes were in no way connected with the Devasthanam. The Mohunt exercises no right in respect of these topes. He cannot demand that the produce be given to the temple. To declare that the whole hill belonged to the Devasthanam would be a most unwarranted interference with private rights of ownership in these gardens, and it is not likely that the proprietors would timely submit to have their property thus transferred to the temple.

70. The following are the conclusions I have arrived at, and the suggestions I venture to make :—

(1.) The Mohunt has entirely failed to prove that the whole hill, or any part of it was ever attached to, or that the whole of the jungle thereon was ever enjoyed by the Devasthanam. On the contrary, it is evident that the hill and its jungles have always been considered to be the property of Government. I think, therefore, the Mohunt's claim to the Tirumalai hill should be rejected.

(2.) It is considered by Hindoos the duty, though it is evidently not the practice, of the Mohunt (as the Manager of the Devasthanam) to keep in repair the roads or paths mentioned in paragraph 7, with the shrines and mantapams thereon. I would suggest that the four paths or roads leading from Upper Triputhy to Balapalli—(1), to Chendragherry; (2), Lower Triputhy as far as the Adipadigoparam, excepting the portion which runs through the Galigoparam Inam; (3), and to the tirthams or water-falls; (4) together with fifty yards of jungle on each side of the above paths should be declared to be the property of the Devasthanam.

(3.) I consider it clearly proved that the different topes at Upper Triputhy, the Mohunt's garden half way between Upper Triputhy and the Galigoparam, and the "locality" claimed by the resident devotee of the Galigoparam, are private property, in no way connected with the Devasthanam, but that, as a rule, the produce is devoted to charity. I venture to recommend the grant of free inam title-deeds to the separate owners, whose names will be found in Register No. 1 (*vide* AA, *Precis*).

(4.) It is evident that no assessment has been levied on these topes or gardens. I think none need now be imposed as long as the produce is given away in charity.

(5.) As the Mohunt and his followers are opposed to the detailed demarcation of the topes in question, if it should be decided that no assessment be levied, I would recommend that demarcation be declared unnecessary.

(6.) It is evident that some portion of the jungle immediately surrounding Upper Triputhy was formerly granted for the use of the temple; and that firewood for daily use is, and has always been, cut there. I would, therefore, recommend that half a mile of jungle on each side of the temple be ceded to the Devasthanam, and that the portion so handed over be demarcated. This will afford an ample supply of firewood for all purposes.

71. Trusting to be excused for the length to which this report has run, I have, &c.

P. S.—The documents put in by the Mohunt and Tahsildar have been forwarded to your address by rail.

(True Copy.)

(Signed) W. S. WHITESIDE,

Collector.

From W. S. WHITESIDE, Esq., Collector of North Arcot, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Vellore, 16th January 1874, No. 16.

Adverting to the Board's Official Memorandum, No. 1,723, dated 5th November 1873,

I have the honour to state that the contract bond therein referred to, or a copy thereof, is not forthcoming either in the records of my office or in the taluk records.

2. From the Chendragherry Tahsildar's Arzi, No. 410, dated 28th December 1873, it appears that out of the villages referred to in paragraph 2 of the above

Puthupatla memorandum, portions of the Triputhy hill are situated in the villages noted in the margin.

3. Translation of the Tahsildar's Arzi is enclosed for information.

4. I regret the delay in replying to the Board's reference. It was owing to the thorough search instituted for the contract bond and the subsequent necessity for reference to the taluk.

ENCLOSURE No. 1.—Translation of an Arzi from the Tahsildar of Chendragherry to the Collector of North Arcot, dated 28th December 1873, No. 410.

ENCLOSURES Nos. 2 and 3.—Petitions Nos. 2,791 of 1873 and 214 of 1874.

Revenue Board's Order.

Submitted for the orders of Government.

2. These papers relate to a claim to the range of hills on which the Triputhy temple stands, which is made by the Triputhy Mohunt. The hills are called in the Ordnance Map the "Tirumalai" and "the sacred hills of Triputhy," and they are estimated to comprise from 100 to 150 square miles, most of which is covered by valuable forest.

3. The claim came to light when the Settlement Department began to demarcate in the neighbourhood, and when it was brought to the notice of the Board by the Director of Revenue Settlement and the Inam Commissioner, the Board deputed Mr. Wilkinson, who was then serving in North Arcot, to hold a personal investigation.

4. The record of the inquiry is now before the Board. It was managed both thoroughly and expeditiously, and the Board consider it right to thank Mr. Wilkinson specially for the manner in which the duty entrusted to him was performed, and for the clear and interesting report in which the results of the investigation are set forth. The oral and documentary evidence now on record are sufficient to justify a confident decision as to whether the Mohunt's claim should be admitted or not.

5. The claim rests on no title-deed granted by the British or any former Government, but derives all its force from immunities permitted

because of the reputed sanctity of the hill and the temple. A few years ago none but pure Hindoos had ever been allowed to pass the first portal on the ascent from Lower Triputhy to Upper Triputhy where the temple stands, and the prohibition is still in full force and strengthened by the authority of Government. The temple is resorted to by crowds of pilgrims, and they prostrate themselves to the ground directly they come within sight of the hill. The roads on the hill, the places of shelter along the roads, and several water-falls, which are said to exist on the hill and partake of the sanctity of the temple, are indisputably in charge of the Mohunt. Knowing the reverence attached to the temple by Hindoos, the British Government have abstained from interfering with it or its neighbourhood. Upper Triputhy has never been measured at the time of the pynaish or subsequently, and no assessment has been collected on topes and inams on the hill.

6. The claim having been made, the first thing to consider is when it could first have originated, and when it was first asserted. The temple is very ancient, but the revenues seem always to have been considered the right of the reigning Government, though Hindoos maintain that before the advent of the Mussulmans Hindoo princes used to make over this right to the temple. In 1843, Government renounced all connection with the temple, and transferred the control over its affairs and the management of its revenues to the chief of an establishment of ascetics at Triputhy. If the hill really belonged to the temple, it was to be expected that it would be mentioned in this order of transfer, or that if it were not so mentioned, the Mohunt, to whom the transfer was made, would have called attention to the omission. The Sunnud is described by Mr. Wilkinson in paragraph 16 of his report. It mentions inams belonging to the temple and its worshippers, but not the hill, and the Mohunt never applied for the hill also to be mentioned. Again, when the Inam Commissioner was settling inams and hill-polliams, it was to be expected that the Mohunt would ask for a title-deed for the hill if he thought he had any right to it. The Commissioner settled the inams belonging to the worshippers, priests, &c. of the temple, and the Mohunt's Agent was present during the inquiry, but the hill was never mentioned.

7. It is unnecessary to review the documents produced by the Mohunt's Manager before Mr. Wilkinson, as this is done thoroughly in the report; but certain orders passed in 1872 and 1873 require notice. In 1872 Mr. R. Sewell, then Assistant Collector, without referring to higher authority or former correspondence, declared that a certain portion of the jungle on the hill belonged to the temple,

having been granted to it by the Mamandoor Poligar. In 1872 Mr. H. Sewell, who was Acting Collector, having the order by Mr. R. Sewell brought to his notice as one affecting all the forests on the hill, directed a contractor not to cut any wood in the hill-jungles without the consent of the Mohunt. Mr. R. Sewell made a serious mistake in issuing the rash order above described without any authority to do so. It led Mr. H. Sewell, as Acting Collector, to make another mistake, and if such mistakes had been repeated again and again as years elapsed, the Mohunt's claim would have gained life from Mr. R. Sewell's initial error. As it is, the orders are so recent and the inquiry has come so soon after them that they carry no weight, and no harm has been done.

8. In Petition No. 214 of 1874 two documents, or rather copies of documents not produced in Mr. Wilkinson's inquiry, are submitted to the Board. One is said to be about two centuries old, and to have been given by the *then* ruler. The following is stated to be a translation of it :—" Vencatapathy Deva Maharayaluvuru came to Vrooshachelau (mountain) and witnessed Sriswamivaru (god), who is the sovereign of Sri Vencatadry (Tirumalai hill)." The second is said to have been given by the Hyderabad Government to the officer in charge of the Chendragherry Taluk, and the translation is said to be : " There exist mattams which are paradise of Hatteram Mohunt in Triputhy, and also in Triputhy above the hill which belongs to the deity. Therefore, no annoyance should be caused to the said paradise mattams and to the said Mohunt. The lands and gardens should continue rent-free as per mamool. You should consider this letter as a Takeed, and enforce the terms thereof without any objection." Even if these documents are genuine, and all that they are said to be, they do not prove much. A mere assertion by one prince that the god was the sovereign of the hill, and by another that the hill belonged to the god does not go far. It is a very different thing from a definite grant of a specified tract, or even from a recognition that such a grant has been made. The omnipresence and omnipotence of a deity are not inconsistent with human rights of ownership.

9. To corroborate the documentary evidence, witnesses, as to boundaries and possession, were produced, but Mr. Wilkinson's review of their depositions, which is full and fair, shows that they did not make out the Mohunt's case.

10. All that the Mohunt showed is that the temple and its neighbourhood are reputed to be of great sanctity, that the whole hill is shadowed by this sacredness, and that the ownership of the hill *may* have become his by prescriptive right, simply because Government

have shunned interference with what was "holy ground" to a large section of its subjects.

11. This presumption is completely rebutted by the evidence on the other side, which contains all the elements that can be expected in such a case. It is shown that, in recent times, the holy ground, or, at all events, the greater part of it, belonged to a Police Poligar whose polliem has been resumed, and to Government villages, and that Government have continuously exercised rights of ownership all over the hill, except in the immediate vicinity of the temple.

12. On the east of the hill is Mamandoor, the seat of an old Kavelpolliem. The polliem was resumed in 1846, but it is in evidence, that in 1806 most of the plateau on the top of the hill belonged to it, whilst even in 1846 the southern slope belonged to one of its villages, and 27 acres on the plateau to another. There is strong evidence that even the jungle immediately around the temple was given to it by the Poligar, though he could have had no right to alienate a part of his service-polliem without the consent of Government. The evidence of the fact consists of common tradition confirmed by an admission of the Mohunt in 1872, and the fact that an annual payment is made to the Poligar by the Mohunt. Moreover, some of the villages (besides those referred to above), which lie at the foot of the hill, possess part of the slopes and even part of the plateau. Thus the pymaish shows that Nagapatla has 607 acres, Gopalapuram 454, and Triputhy 1,662 acres on the hill, whilst 15 square miles of it have been demarcated without opposition from the Mohunt as part of the Kirkambadi Polliem. Even the Mohunt says that certain topes on the hill are his *private* property, and the rest would no doubt be claimed as private property held independently of the temple if the hill were distinctly assigned to the temple. A Sunnud (which seems not to be disputed by the Mohunt) is produced by the holder of certain land on the hill. It purports to have been granted to the holder's ancestors 400 years ago by the *then* ruler, Royasunhasanamvaru, and gives him about 152 cawnies of land for services rendered in a goparam on the way from Lower Triputhy to Upper Triputhy.

13. It is shown that since the temple and its appurtenances were made over to the Mohunt, Government have collected a revenue from the soapnut trees round Upper Triputhy, and this in spite of the Mohunt who assumed a right to lease the trees for the first two years; that they have levied a seigniorage on timber cut on the hill ever since the levy was authorized throughout the Presidency; and that they even leased out quarries on the hill for twelve years after they had ceased to be connected with the temple.

14. The Board have no hesitation in advising Government to reject the Mohunt's claim.

15. The easiest way to settle the question would be to demarcate Upper Tripathy, the topes, and the inam referred to in paragraph 5; but this would cause offence to the feelings of the temple devotees, and the Board think it is unnecessary.

16. It will be sufficient if the Settlement Department are directed to demarcate the boundaries of the villages lying around the hill, even when they run up the slopes; and if the Mohunt is informed that he will not be interfered with so far as regards a circular tract, two square miles in extent, having the temple in the centre, and a radius of 1,404 yards, and the roads leading to Lower Tripathy, Chendragherry, Balapalli, and the water-falls, with the land for fifty yards on each side of the roads, and all round the water-falls, provided, of course, that no timber is conveyed beyond the hill by him or purchasers to whom he has sold it, and that the roads are kept in proper repair.

17. The Inam Commissioner may be instructed to give rent-free title-deeds for the topes and the inam, as *said* to contain a certain extent, if ownership is proved in the usual way (the Mohunt being allowed to show cause why title-deeds should not be issued if he thinks fit); but the topes and inam need not be demarcated.

18. It must then be decided whether it is worthwhile to keep the portion of the hill, which is not granted to the Mohunt and the owners of the topes and inam, as a reserved forest.

Government Order, 26th March 1874, No. 388.

The Government fully concur in the conclusions to which the Board have come with reference to this claim, and resolve to adopt the proposals made in paragraph 16 of the Proceedings recorded above. The Mohunt will be liberally treated by this arrangement, and all necessary facilities are thereby afforded for the convenience of pilgrims visiting the shrine.

2. The Inam Commissioner should follow the suggestions contained in paragraph 17, and the Collector and Inspector of Forests will report further on the question raised in paragraph 18.

3. Mr. Wilkinson's report does him much credit.

(True Extract.)

(Signed) C. G. MASTER,

Acting Secretary to Government.

MISCELLANEOUS.

THE FAMINE—THE SPIRIT IN WHICH TO MEET IT—II.

ROUGH, unskilled labour may be executed by any man in health; and wages sufficient for bare existence are all that is necessary to ensure a supply of this class of labour. But as this labour needs to propagate itself or provide for its succession, such wages must be held to cover the sustenance of the labourer's family also, without which this class of labour would become extinct. Now in the case of this class, whose whole income is a bare subsistence, a fall of wages or, what is the same thing, a sudden rise in prices, is an absolute death warrant, if not to the labourer himself, to part of his family.

Wherefore all Governments pretending to a just solicitude for the welfare of their subjects have ever evinced a readiness to aid this class whenever any unexpected event has accidentally reduced the labourer to a position of enforced idleness, or his wages below the amount necessary for the subsistence of himself and his family. The able-bodied poor in a period such as that which has overtaken us in Bengal have as absolute a right to this assistance as any Government official in the country has to his monthly salary. If the State can assist the class by finding labour for them, so much the better; but the obligation to sustain them is absolute in any case, and to be measured simply by the powers of the State. An able-bodied poor left to starve commit no real crime when they help themselves to the food which the State fails to distribute; and we have no right to expect order and legality in any district where men are starving to death. The obligation on the State in times like these is as absolute to provide subsistence for the able-bodied as to make provision for the impotent poor. Whatever some may think of them, these are first principles of Governmental responsibilities at all times; and at times like the present they need to be sternly insisted upon as embodying the right rule of Governmental action.

It is because of this that we hesitate to recommend any action on the part of the public towards a Relief fund. For the Government has got into the habit of looking to the public to share its responsibility. We think that the history of the last few years before us, it is better for the public to refuse to share that responsibility. Let the Indian chambers and other public bodies approach Government with the statement of their willingness, nay their desire, to be taxed to any extent that may be necessary to supply the required funds, but let them make it clear that they hold the State responsible that the people do not perish. In emergencies such as these, money must be

spent, and must be wasted too if the people are not to be starved; but that is the tax-payer's concern, not the State's. The *will* of the country is that the people shall not die of hunger, and it should refuse to accept apologies for their death on the ground that to keep them alive money needs to be wasted. Let it be wasted: the people must not die.

To deal properly with the emergency that has arisen, we believe it to be desirable that the attempt to make the public share in the responsibilities of the Government should be met with a respectful but firm refusal. A great authority tells us that "the first condition of civilized rule is the power of so limiting calamities that they shall not involve the destruction of the people on whom they fall." The invitation commonly put forth by Government in these emergencies that the public, meaning thereby the private charity of the country, should share with itself the responsibility of feeding the weak, the aged, the sick, and the young, must be respectfully but firmly refused. For it is the first condition of civilized rule that the State perform this duty itself. The offer to make a bargain with the public that the State will do just as much as private charity does, is made from motives which we can heartily respect; but it evidences a want of that sense of responsibility which has been the cause of Governmental failure in every instance in the past. To talk of making the private charity of the country the measure of Government responsibility is to evidence, we say, insensibility to the duties of the State in such crises. For the offer comes to this, that if the appeal to private charity is coldly responded to,—and nineteen persons out of every twenty never dream of responding to such appeals at all—then the Government is justified in letting the people die. Now, in reply to that we say, that if the Government permit any part of the people, sick or well, to die of hunger, where it has been possible to obtain food for them, then has it betrayed its responsibilities and rendered itself answerable to God and man for their death. Have we yet to learn that it is the few alone who respond to such appeals at all? Because of this, we arm the State with the power to *take* from the country whatever is required for its well-being? Is it in a period of famine above all others that it is to abnegate this power to take what it requires? Would the State dream of so appealing to public aid in the emergency of a great war? Would it not boldly take what the public exigencies require it to spend? And can any exigency be greater than that of famine, and the sight of the sick, the aged, the young, and the helpless perishing for want of bread?

The feature which marks all the famine literature of India, and gives it so painful an

aspect, is the unworthy dread which every document shows of incurring expense, the fear of doing too much, of remitting too much revenue, of giving the people too much food, of spending too much money. To meet such calamities successfully, a spirit the very opposite of this is needed, the spirit we are so prompt to show in the emergency of a war. Let any one recall the early history of the Abyssinian War, and the way in which powers of unlimited expenditure were devolved upon subordinate officers in every department, and contrast it with the niggardly higgling spirit in which the State regards all expenditure in time of famine. No doubt such money is wastefully spent in war; but who questions the wisdom of our having sanctioned the expenditure? And if we would avert the horrors of famine when it overtakes us, we must meet the calamity in the same spirit. We are willing to condone everything but failure in such cases. The money is nothing in either case. We feel strongly that this is the lesson to be learned, and that until it is learned, the reproach of these terrible shortcomings will still cling to us. As the great landlord of the country, we take twenty millions sterling a year from the fields. Would it then be a great thing, to return those twenty millions for one year, if need be, that we might keep the people alive?

The action of Sir George Campbell shows that he is as fully impressed with these convictions as the public can be, but we doubt the department of Imperial finance. Long experience has shown us how impossible it is to get the purse-strings relaxed, when their relaxation threatens a deficit in the year's accounts. Our simple, full conviction is that unless the Supreme Government makes up its mind to face a *heavy* deficit this year, the famine of 1874 will after all add but one more instance to the painful record of responsibilities unfulfilled because of their money cost.—*Indian Economist*, November 29, 1873, p. 85.

HINTS ON THE CULTIVATION OF CAROLINA PADDY.*

Soil, &c.—Carolina paddy has a very strong aversion to stagnant water, therefore avoid all land on which, from imperfect drainage, water is likely to collect and stagnate. Remember that water may stagnate in the soil as well as on its surface. Select good healthy paddy-land resting on a moderately porous sub-soil and with a surface sufficiently high that it will not become a swamp during the rains while it is yet sufficiently low to admit of being watered at a moderate cost. In the endeavour to avoid a soil that is too retentive take care that you do not select one that parts too readily with

* Prepared for the use of cultivators who are going to compete for the prizes offered by the Government of Madras for the best crops of Carolina paddy.

its moisture, as a soil with this defect is as objectionable as one that is too retentive. Endeavour to select a soil that is neither too retentive nor too porous; in every taluk there are hundreds of acres of wet land that fulfil these conditions. These observations refer chiefly to the physical or mechanical condition of the soil. It is of much greater importance to secure a soil in a good physical state than one in a high manural condition, as by the application of a suitable quality and quantity of manure the last-mentioned condition can so readily be secured.

Preparation of the soil.—The soil may be ploughed and worked in the dry state for sowing, or, it may be ploughed under water and puddled. We much prefer the former arrangement; the latter is sometimes attended with advantage but the evils which result from the wretched state in which the soil is left by the process are frequently of a very serious kind. But whatever plan you adopt take care to give the soil a liberal application of good manure during the time it is being prepared for the reception of seed.

Seed and sowing.—Choose a fresh sample of seed; it should be of a rich golden colour; the sample should be uniform both as regards colour and the size of the grain; if the seed is mixed with the seed of country paddy (which is the case almost invariably with all country-grown samples) and you cannot get a pure sample, you may, by using a fan and a bamboo sieve, remove greater portion of the indigenous grain. Before you finally select the seed you should test its vitality. You may do so in the following way. Take a shallow vessel—a soup-plate will answer admirably; place about one inch deep of good garden soil in the plate, and scatter over the soil 100 paddy seeds; cover this with a piece of muslin, and over the muslin place about half an inch of soil. Keep the soil damp. After a few days the muslin with the upper soil may be lifted off and the condition of the seed ascertained. The number of seeds that have germinated will give the percentage of vital seeds. But you had better make duplicate experiments and take the average of the results obtained as the percentage of vital grain; ascertained in this way the results of the test are more trustworthy.

Having selected suitable seed, and prepared your land for its reception, you may proceed with the sowing. You may sow the seed at once on the land, or you may sow it in seed beds and afterwards transplant the seedlings into the field. If you adopt the former of these arrangements you may sow the seed—say, at the rate of fifteen measures per acre—on either dry or puddled soil; if on dry soil, you may take the seed in its natural state and broadcast, or drill it; if you prefer to sow on a puddled surface, you may sprout the seed before

you sow it, but, when this is done you can only sow broadcast. When transplanting is preferred take care that the nursery-bed is *deeply* dug and thoroughly manured, when this done the roots of the seedlings are small and compact, and the plants can be raised with ease and without suffering any injury in the operation. To produce seedlings for transplanting sow eight measures, or about 18 lbs. of seed, in the nursery-beds for each acre of land to be planted; less will probably suffice, but this quantity will provide against any loss of plant. The seedlings may be lifted for transplanting when three or four weeks old; they may be planted in the field in the puddled or wet soil at distances of from six to nine inches apart, a couple of seedlings being planted together. It may be good practice either to sow the seed at once in the field, or, to sow it first in the nursery and afterwards to plant out the seedlings in the field. Thus, when the area to be sown is large, the season late, labour scarce, and seed plentiful and cheap, we would adopt the former plan, and the latter when seed is scarce and dear, the area to be cropped small, the weather favourable, and labour plentiful.

Irrigating.—In whatever way the land is sown or planted it should be moderately watered on the same day; this fixes the roots of the seedlings and enables the seed to meet with a good bed. It is seldom necessary to flood the land, especially after the plants begin to shade the soil. The endeavour should be to keep the land constantly damp, and not, alternately in a state of puddled, and, dry and filled with large cracks, as is too commonly the case with wet land under ordinary paddy.

After-cultivations.—These are of a very simple nature; it is only necessary to keep the crop free of weeds and to thin out a few of the plants if the crop grows too luxuriantly.

(Sd.) W. R. ROBERTSON, M.R.A.C.,

Supt. of Government Farms.

5th September 1878.

N.B.—The foregoing are intended only to be suggestive. Each cultivator should adopt whatever plan of cultivation he prefers.—*Agricultural Gazette of India*, 29th November 1873, p. 92.

THE FAMINE IN BENGAL.

It is to be hoped that those entrusted with the duty of providing against the danger which now threatens the agriculture of Bengal, will adopt such measures as will tend to rouse the people to the necessity of exerting themselves in the performance of the duties of their ordinary occupations, rather than induce them to abandon these for employments on relief works. We do not undervalue the care and forethought

that provides such employments, but we think that the great object at which to aim, should be to aid the people to help themselves. To start relief work without the necessity being very great, is simply to pauperise the people, and render them too reliant on Government support; they are prone enough to do this, under any circumstances, and great care is requisite that this propensity is not allowed undue scope. The difference between the improved agriculture of civilized countries and the antiquated practice of less advanced countries, is, chiefly in the more resolute way in which difficulties are encountered and overcome in the former, than in the latter. A bad season occurs, and the uneducated native cultivator is helpless, he has no resource, and believes that it is idle to fight against what he deems to be fate. It is not so with the educated cultivator; the more difficulties he meets with, the greater does he feel the necessity for exertion, the more urgent the demand for adopting expedients and utilizing every resource at his command. Now, we fully sympathize with our unfortunate co-workers in Bengal; but, at the same time, we cannot but believe that their case is not quite so bad as it might be, unless indeed the state of the country is very much worse than we have reason to suppose. If a single bad season is sufficient ground for such serious alarm, as is evinced in some quarters, we must welcome a famine of moderate intensity, as a means of rousing all to a true sense of our danger; better far, that we should for a time endure a little suffering than that the country should enter a chronic state of famine and bankruptcy. But we will pass on to offer a few general suggestions, in the hope that we may be able to indicate a direction, in which something of good may be found. First, then, there are in many parts of Bengal crops of growing paddy, which a very simple calculation will prove cannot, with the water available, be brought to maturity; wherever such are growing on healthy friable soils, let the crops be cut down without further delay, the fodder may be dried, and will make an excellent kind of hay; then let the ground be ploughed and ridged, and thoroughly manured, all these operations should be performed in a very efficient way, and only as much land should be stripped of paddy, as can be ploughed, ridged, and sown on the same day. An abundance of manure must be used; better manure half an acre well, than spread the quantity over a whole acre. It must not be forgotten that we are speaking of irrigated land of a friable kind, not of land that poaches and becomes like plaster when the plough is passed through. Having ploughed, ridged, and manured the soil, it may then be sown; the better qualities may be sown with maze, and the other descriptions with bajree, jowaree, &c. The irrigation water may be allowed to flow

between the ridges. Select indigenous maize it will grow and mature its grain in three months, a much less time than imported maize, while it thrives under very moderate cultivation; such a crop will with fair cultivation yield from 1,000 to 1,500 pounds of human food per acre, and a weight of excellent fodder, nearly twice as great; but the returns obtained will altogether depend on the way in which the crop is cultivated. The jowaree and bajree may be sown on the drills in the same way, and will, if properly cultivated, yield about half as much human food, and, about the same quantity of fodder per acre, as will the maize; while, if the seed is obtained from a colder district than that in which it is to be grown, the crop will mature almost as speedily. The attention of cultivators should be especially directed to the importance of utilizing in this way the little water they may have, rather than in attempting to produce a regular wet crop, which, they know, with the water available, cannot be brought to maturity. In a time of scarcity, it is simple folly to expend 8,000 cubic yards of water, in the attempt to raise a crop that even, if fairly successful, will yield only 700 or 800 lbs. of rice, when it is possible in the hottest weather, with less than one-fourth as much water, to raise a crop of maize yielding twice as much food. The attention of cultivators should also be directed to the fact that deep-ploughing, which may be effected by passing a second plough along the line made by the first plough, will on healthy soils enable a crop to withstand a severe drought; also to the fact that, on soils to be cultivated without the aid of water in a dry season, it is well to avoid the use of dry farm-yard manure; and in selecting a fertilizer, to give preference to saline surface dressings, such as saltpetre, ordinary salt, &c., which are both very hygroscopic, and absorb moisture readily from the atmosphere. They should be advised to select good seed from a district somewhat colder than their own, in order that the crop may reach maturity in less time; also that in cropping the land it is well to give the preference to those crops that mature in a short period of time;—some varieties of paddy are fully six months on the land, while some almost as good will mature in three months, and, therefore, require only half as much water—also to select those crops that need little moisture for their growth, such, for instance, as bajree, which, if the soil is sufficiently damp to start the seed, fair results may be obtained with an exceedingly small rain-fall, and the same is the case with many crops of the pulse tribe. Again, native cultivators should be reminded that at present they sow at least twice as much seed as would suffice to produce a crop, and that by sowing less seed to the acre, they will not only have a better chance of getting a good crop, but they

will set free an enormous quantity of grain for use as human food—we have known native cultivators sow as much as four bushels of paddy per acre, when one bushel would have been an ample seeding. Attention should be directed to the fact, that by growing the paddy plants in seed beds, half as much seed will suffice to produce a crop, as if the seed was sown broad-cast over the land, while by growing the seedlings during three or four weeks in seed beds, it will be necessary during the period only to water a few square yards of land for each acre that would have needed to be watered, had the seed been sown at once broad-cast, thus saving nearly a month's water. Their attention should also be particularly directed to the great importance of harvesting their crops, just when ripe, instead of ten or fifteen days afterwards, not only in the saving of grain which would otherwise have been lost, but in the saving of the moisture in the soil of which a considerable amount would be dissipated in the time that the crop remains longer than necessary on the land, moisture, which might have sufficed for starting a succeeding crop. They should also be strongly advised to reduce the number of the live stock they maintain. The farm stock of the country would be greatly benefited, if owners could be induced to sell to the butcher a very considerable proportion, indeed, all that are old, misshapen, or otherwise unsuited for breeding purposes. An immense number of the males of cattle or sheep might be dispensed with, with advantage to those that are left, it is not unusual to find the animals in a village flock, or herd nearly in equal proportions as regards males and females, this is not as it ought to be, one bull for every dozen cows, and one ram for every score of ewes is more than enough. All aged male animals in excess of this proportion might with advantage be disposed of to the butcher. This would produce a large quantity of human food, for it must be remembered that Mahomedans as well as the Hindoos are sufferers by the present scarcity in Bengal, while even Hindoos themselves are large consumers of mutton. By reducing the stock in this way a large quantity of fodder would be set free for the use of the more valuable animals to be retained. We have at present only another suggestion to make, and that is, that the attention of oil manufacturers should be invited to the importance of separating in their manufacturing process the nutritious oil-seeds from those that are unfitted for use as the food of live stock; from the common practice of crushing both together, the residuum oil-cake is unfitted for the use of stock, and thus large quantities of what, under other circumstances, might prove useful and valuable food, is wasted.—*Idem*, p. 88.

ACTS OF THE GOVERNMENT OF INDIA.

THE following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 24th February 1874.

ACT No. III of 1874.

An Act to explain and amend the law relating to certain Married Women, and for other purposes.

Whereas it is expedient to make such provision as hereinafter appears for the enjoyment of wages and earnings by women married before the first day of January 1866, and for insurances on lives by persons married before or after that day:

And whereas by the Indian Succession Act, 1865, Section 4, it is enacted that no person shall by marriage acquire any interest in the property of the person whom he or she marries, nor become incapable of doing any act in respect of his or her own property, which he or she could have done, if unmarried:

And whereas by force of the said Act all women to whose marriages it applies are absolute owners of all property vested in, or acquired by, them, and their husbands do not by their marriage acquire any interest in such property, but the said Act does not protect such husbands from liabilities on account of the debts of their wives contracted before marriage, and does not expressly provide for the enforcement of claims by or against such wives;

It is hereby enacted as follows:—

I.—Preliminary.

- | | |
|-------------------------|--|
| Short title. | 1. This Act may be called "The Married Women's Property Act, 1874." |
| Extent and application. | 2. It extends to the whole of British India, and, so far as regards subjects of Her Majesty, to the dominions of Princes and States in India in alliance with Her Majesty. |

But nothing herein contained applies to any married woman who at the time of her marriage professed the Hindoo, Mahomedan, Buddhist, Sikh, or Jaina religion, or whose husband, at the time of such marriage, professed any of those religions.

And the Governor-General in Council may from time to time, by order, either retrospectively from the passing of this Act or prospectively, exempt from the operation of all or any of the provisions of this Act the members of any race, sect or tribe, or part of a race, sect

or tribe, to whom he may consider it impossible or inexpedient to apply such provisions.

The Governor-General in Council may also revoke any such order, but not so that the revocation shall have any retrospective effect.

All orders and revocations under this section shall be published in the *Gazette of India*.

The 4th Section of the said Indian Succession Act shall not apply, and shall be deemed never to have applied, to any marriage one or both of the parties to which professed at the time of the marriage, the Hindoo, Mahomedan, Buddhist, Sikh, or Jaina religion.

3. This Act shall come into force on the passing thereof.

II.—Married Women's Wages and Earnings.

4. The wages and earnings of any married woman acquired or gained by her after the passing of this Act, in any employment, occupation or trade carried on by her and not by her husband,

and also any money or other property so acquired by her through the exercise of any literary, artistic, or scientific skill,

and all savings from and investments of such wages, earnings and property,

shall be deemed to be her separate property, and her receipts alone shall be good discharges for such wages, earnings and property.

III.—Insurances by Wives and Husbands.

5. Any married woman may effect a policy of insurance on her own behalf and independently of her husband; and the same and all benefit thereof, if expressed on the face of it to be so effected, shall enure as her separate property, and the contract evidenced by such policy shall be as valid as if made with an unmarried woman.

6. A policy of insurance effected by any married man on his own life, and expressed on the face of it to be for the benefit of his wife, or of his wife and children, or any of them, shall enure and be deemed to be a trust for the benefit of his wife, or of his wife and children, or any of them, according to the interest so expressed, and shall not, so long as any object of the trust remains, be subject to the control of the husband, or to his creditors, or form part of his estate.

When the sum secured by the policy becomes payable, it shall, unless special trustees are duly appointed to receive and hold the same, be paid to the Official Trustee of the Presidency in which the office at which the insur-

ance was effected is situate, and shall be received and held by him upon the trusts expressed in the policy, or such of them as are then existing.

And in reference to such sum he shall stand in the same position in all respects as if he had been duly appointed trustee thereof by a High Court, under Act No. XVII of 1864 (*to constitute an office of Official Trustee*), Section 10.

Nothing herein contained shall operate to destroy or impede the right of any creditor to be paid out of the proceeds of any policy of assurance which may have been effected with intent to defraud creditors.

IV.—Legal proceedings by and against Married Women.

7. A married woman may maintain a suit in her own name for the recovery of property of any description which, by force of the said Indian Succession Act, 1865, or of this Act, is her separate property; and she shall have, in her own name, the same remedies, both civil and criminal, against all persons, for the protection and security of such property, as if she were unmarried, and she shall be liable to such suits, processes, and orders in respect of such property as she would be liable to if she were unmarried.

8. If a married woman (whether married before or after the 1st day of January 1866) possesses separate property, and if any person enters into a contract with her with reference to such property, or on the faith that her obligation arising out of such contract will be satisfied out of her separate property, such person shall be entitled to sue her, and, to the extent of her separate property, to recover against her whatever he might have recovered in such suit had she been unmarried at the date of the contract and continued unmarried at the execution of the decree:

Provided that nothing herein contained shall affect the liability of a husband for debts contracted by his wife's agency, express or implied, or render a married woman liable to arrest or to imprisonment in execution of a decree.

V.—Husband's liability for Wife's debts.

9. A husband married after the 31st day of December 1865 shall not be liable for wife's ante-nuptial debts. Husband not liable by reason only of such marriage be liable to the debts of his wife contracted before marriage, but the wife shall be liable to be sued for, and shall, to the extent of her separate property, be liable to satisfy such debts as if she had continued unmarried:

Provided that nothing contained in this section shall affect any suit instituted before the passing of this Act, nor invalidate any contract into which a husband may, before the passing of this Act, have entered in consideration of his wife's antenuptial debts.

(Signed) WHITLEY STOKES,

Secy. to the Government of India.

Re-published by order of the Right Honourable the Governor in Council.

(Signed) D. F. CARMICHAEL,

Acting Chief Secretary.

THE following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 24th February 1874.

ACT No. IV of 1874.

An Act to control recruiting in British India for the service of Foreign States.

Whereas it is expedient that the Governor-General in Council should exercise full control over recruiting in British India for the service of Foreign States; It is hereby enacted as follows:—

Short title. 1. This Act may be called "The Foreign Recruiting Act, 1874."

Local extent. It extends to the whole of British India;

Commencement. And it shall come into force on the passing thereof.

Interpretation clause. 2. In this Act—

"Foreign State" includes any person or persons exercising or assuming to exercise the powers of government in or over any country, colony, province, or people beyond the limits of British India.

3. If any person is, within the limits of British India, obtaining or attempting to obtain recruits for the service of any Foreign State in any capacity, the Governor-General in Council may, by order in writing signed by a Secretary to the Government of India, either prohibit such person from so doing, or permit him to do so subject to any conditions which the Governor-General in Council thinks fit to impose.

4. The Governor-General in Council may from time to time, by general order notified in the *Gazette of India*, either prohibit recruiting for the service of any Foreign State, or impose upon such recruiting any conditions which he thinks fit.

5. The Governor-General in Council may rescind or vary any order made under this Act in such manner as he thinks fit.

6. Whoever, in violation of the prohibition of the Governor-General in Council, or of any condition subject to which permission to recruit may have been accorded,

(a.) induces or attempts to induce any person to accept or agree to accept or to proceed to any place with a view to obtaining any commission or employment in the service of any Foreign State, or

(b.) knowingly aids in the engagement of any person so induced, by forwarding or conveying him or by advancing money or in any other way whatever, shall be liable to imprisonment for a term which may extend to seven years, or to fine to such amount as the Court thinks fit, or to both.

7. Any offence against this Act may be inquired into and tried, as well in any district in which the person accused may be found, as in any district in which it might be inquired into and tried under the provisions of the Code of Criminal Procedure.

(Signed) WHITLEY STOKES,

Secy. to the Government of India.

Re-published by order of the Right Honourable the Governor in Council.

(Signed) D. F. CARMICHAEL,

Acting Chief Secretary.

THE following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 24th March 1874.

ACT No. VI of 1874.

THE PRIVY COUNCIL APPEALS ACT, 1874.

An Act to consolidate and amend the law relating to appeals to the Privy Council from decrees of the Civil Courts.

Whereas it is expedient to consolidate and amend the law regulating the admission of appeals to Her Majesty in Coun-

oil from certain judgments, decrees and orders of the Civil Courts; It is hereby enacted as follows:—

I.—Preliminary.

1. This Act may be called "The Privy Council Appeals Act, 1874:"

Short title.

It extends to the whole of British India; but it does not apply to any matter of criminal, or admiralty, or vice-admiralty jurisdiction; nor to appeals from orders and decrees of Prize-Courts;

Extent.

And it shall come into force on the passing thereof.

Commencement.

2. The enactments specified in the schedule hereto annexed are repealed to the extent mentioned in the third column thereof.

Repeal of enactments.

3. In this Act, unless there be something repugnant in the subject or context, the expression "decree" includes also judgment and order.

'Decree' defined.

II.—Admission of Appeals.

4. Subject to such rules as may, from time to time, be made by Her Majesty in Council regarding appeals from the Courts of British India, and to the provisions hereinafter contained—

When appeals lie to Queen in Council.

an appeal shall lie to Her Majesty in Council,

(a.) from any final decree passed on appeal by a High Court or other Court of final appellate jurisdiction,

(b.) from any final decree passed by a High Court in the exercise of original civil jurisdiction, and

(c.) from any decree, when the case, as hereinafter provided, is certified to be a fit one for appeal to Her Majesty in Council.

5. In each of the cases mentioned in clauses (a) and (b) of Section 4,

Value of subject-matter.

the amount or value of the subject-matter of the suit in the Court of first instance must be 10,000 Rupees or upwards, and the amount or value of the matter in dispute on appeal to Her Majesty in Council must be the same sum or upwards,

or the decree must involve, directly or indirectly, some claim or question to, or respecting, property of like amount or value,

and where the decree appealed from affirms the decision of the Court immediately below

the Court passing such decree, the appeal must involve some substantial question of law.

Bar of certain appeals.

6. Notwithstanding anything contained in Section 4,—

no appeal shall lie to Her Majesty in Council from the judgment of one Judge of a High Court established under the 24th and 25th of Victoria, Chapter 104, or of one Judge of a Division Court, or of two or more Judges of such High Court, or of a Division Court constituted by two or more Judges of such High Court, where-ever such Judges are equally divided in opinion, and do not amount in number to a majority of the whole of the Judges of the High Court at the time being;

and no appeal shall lie to Her Majesty in Council from any decree which, under Act No. XXIII of 1861, Section 27, is final.

7. Whoever desires to appeal under this Act to Her Majesty in Council must apply by petition to the Court whose decree is complained of.

Application to Court whose decree is complained of.

8. Such application must ordinarily be made within six months from the date of such decree.

Time within which application must be made.

But if that period expires when the Court is closed, the application may be made on the day that the Court re-opens.

9. Every petition under Section 7 must state the grounds of appeal, and pray for a certificate, either that as regards amount or value and nature, the case fulfils the requirements of Section 5, or that it is otherwise a fit one for appeal to Her Majesty in Council.

9. Every petition under Section 7 must state the grounds of appeal, and pray for a certificate, either that as regards amount or value and nature, the case fulfils the requirements of Section 5, or that it is otherwise a fit one for appeal to Her Majesty in Council.

Upon receipt of such petition, the Court may direct notice to be served on the opposite party to show cause why the said certificate should not be granted.

10. If such certificate be refused, the petition shall be dismissed:

Refusal of certificate.

Provided that, if the decree complained of be a final decree passed by a Court other than a High Court, the order refusing the certificate shall be appealable within thirty days from the date of the order, to the High Court to which the former Court is subordinate.

11. If the certificate be granted, the applicant shall, within six months from the date of the decree complained of, or within six weeks from the grant of the certificate, whichever is the later date,

Security and deposit required on grant of certificate.

(a.) give security for the costs of the respondent, and

(b.) deposit the amount required to defray the expense of translating, transcribing, indexing, and transmitting to Her Majesty in Council a correct copy of the whole record of the suit, except

(1.) formal documents directed to be excluded by any order of Her Majesty in Council in force for the time being;

(2.) papers which the parties agree to exclude;

(3.) accounts, or portions of accounts, which the officer empowered by the Court for that purpose considers unnecessary, and which the parties have not specifically asked to be included; and

(4.) such other documents as the High Court may direct to be excluded;

and when the applicant prefers to print in India the copy of the record, except as aforesaid, he shall also, within the time mentioned in the first clause of this section, deposit the amount required to defray the expense of printing such copy.

12. When such security has been completed and deposit made to the satisfaction of the Court, the Court may

(a.) declare the appeal admitted, and

(b.) give notice thereof to the respondent, and shall then

(c.) transmit to Her Majesty in Council, under the seal of the Court, a correct copy of the said record, except as aforesaid, and

(d.) give to either party one or more authenticated copies of any of the papers in the suit on his applying therefor and paying the reasonable expenses incurred in preparing them.

13. At any time before the admission of the appeal, the Court may,

Revocation of acceptance of security. upon cause shown, revoke the acceptance of any such security, and make further directions thereon.

14. If at any time after the admission of the appeal, but before the transmission of the copy of the record, except as aforesaid, to Her Majesty in Council, such security appears inadequate,

or further payment is required for the purpose of translating, transcribing, printing, indexing, or transmitting the copy of the record, except as aforesaid,

the Court may order the appellant to furnish, within a time to be fixed by the Court, other and sufficient security, or to make, within like time, the required payment.

15. If the appellant fail to comply with such order, the proceedings shall be stayed,

and the appeal shall not proceed without an order in this behalf of Her Majesty in Council,

and in the meantime execution of the decree appealed against shall not be stayed.

16. When the copy of the record, except as aforesaid, has been transmitted to Her Majesty in Council, the appellant may obtain a refund of the balance, if any, of the amount which he has deposited under Section 11.

III.—Proceedings pending Appeals.

17. Notwithstanding the admission of any appeal under this Act, the Powers of Court decree appealed against pending appeal. shall be conditionally enforced unless the Court admitting the appeal otherwise directs.

But the Court may, if it think fit, on any special cause shown by any party interested in the suit, or otherwise appearing to the Court—

(a.) impound any moveable property in dispute, or any part thereof, or

(b.) allow the decree appealed against to be enforced, taking such security from the respondent as the Court thinks fit for the due performance of any order which Her Majesty in Council may make on the appeal, or

(c.) stay the execution of the decree appealed against, taking such security from the appellant as the Court thinks fit for the due performance of the decree appealed against, or of any order which Her Majesty in Council may make on the appeal, or

(d.) place any party seeking the assistance of the Court under such conditions, or give such other direction respecting the subject-matter of the appeal, as it thinks fit.

18. If at any time during the pendency of the appeal the security so furnished by either party appears inadequate, the Court may, on the application of the other party, require further security.

In default of such further security being furnished as required by the Court, if the original security was furnished by the appellant, the Court may, on the application of

the respondent, issue execution of the decree appealed against as if the appellant had furnished no such security.

And if the original security was furnished by the respondent, the Court shall, so far as may be practicable, stay all further execution of the decree, and restore the parties to the position in which they respectively were when the security which appears inadequate was furnished, or give such direction respecting the subject-matter of the appeal as it thinks fit.

IV.—Execution of Orders of Her Majesty in Council.

19. Whoever desires to enforce or to obtain execution of any order

Procedure to enforce orders of Queen in Council. of Her Majesty in Council shall apply by petition, accompanied by a certified copy of the decree or order made in appeal and sought to be enforced or executed, to the Court from which the appeal to Her Majesty was preferred.

Such Court shall transmit the order of Her Majesty to the Court which made the first decree appealed from, or to such other Court as Her Majesty by her said order may direct, and shall (upon the application of either party) give such directions as may be required for the enforcement or execution of the same; and the Court to which the said order is so transmitted shall enforce or execute it accordingly, in the manner and according to the rules applicable to the execution of its original decrees.

20. The orders made by the Court which enforces or executes the

Appeal against order relating to execution. order of Her Majesty in Council relating to such enforcement or execution, shall be appealable in the same manner and subject to the same rules as the orders of such Court relating to the enforcement or execution of its own decrees.

21. To the first column of No. 169 of the

Amendment of Act IX of 1871, Schedule II, No. 169. second schedule annexed to the Indian Limitation Act, 1871, the following words shall be added (that is to say), "or any order of Her Majesty in Council."

V.—Miscellaneous.

22. The High Court may, from time to time, make general rules Power to make rules. consistent with this Act to regulate—

(a.) the service of notices under Section 9.

(b.) the grant or refusal of certificates, under Sections 10 and 11, by Courts of final appellate jurisdiction subordinate to the High Court,

(c.) the amount and nature of the security required under Sections 11, 14, and 18,

(d.) the testing of such security,

(e.) the estimate of the cost of transcribing the record,

(f.) the preparation, examination, and certifying of such transcript,

(g.) the revision and authentication of translations,

(h.) the preparation of indices to transcripts of records, and of lists of the papers not included therein,

and all other matters connected with the enforcement of this Act.

All such rules shall be published in the local official Gazette, and shall Publication of thereupon have the force of law in the High Court and the Courts of final appellate jurisdiction subordinate thereto.

All rules heretofore made and published by any High Court relating Rules heretofore made. to appeals to Her Majesty in Council and in force immediately before the passing of this Act, shall, so far as they are consistent with this Act, be deemed to have been made and published hereunder.

23. In Sections 4 and 22, the expression 'High Court' shall be Recorder of Rangoon. deemed to include also the Recorder of Rangoon, but not so as to empower him to make rules binding on Courts other than his own Court.

24. The rules and restrictions referred to in Bengal Regulation III Construction of Bengal Regulation V, shall be deemed to be III of 1828, Section 4, Clause V. applicable to appeals under this Act from the decisions of the High Court of Judicature at Fort William in Bengal.

Saving of Her Majesty's pleasure, 25. Nothing herein contained shall be understood—

(a.) to bar the full and unqualified exercise of Her Majesty's pleasure in receiving or rejecting appeals to Her Majesty in Council, or otherwise howsoever, or

(b.) to interfere with any rules made by the Judicial Committee of the Privy Council and for the time being in force for the presentation of appeals to Her Majesty in Council, or their conduct before the said Judicial Committee.

SCHEDULE.

(See Section 2.)

ENACTMENTS REPEALED.

No. and year of enactment.	Title or abbreviated Title.	Extent of repeal.
A.—REGULATIONS.		
Bengal Regulation XVI of 1797.	A Regulation respecting appeals from the Court of Sudr Dewanny Udalut to His Most Excellent Majesty and His Most Honourable Privy Council.	The whole.
Bengal Regulation V of 1803.	A Regulation for empowering the Sudr Dewanny Udalut to try appeals from the decisions of the Provincial Court of Appeal established in the Provinces ceded by the Nawaub Vizier, &c.	So much as has not been repealed.
Madras Regulation VIII of 1818.	A Regulation prescribing the Rules under which appeals may be preferred to the King's Most Excellent Majesty in his Privy Council, from the decisions of the Court of Sudr Udalut at Fort St. George.	Do.
Bombay Regulation IV of 1827.	A Regulation prescribing the Forms of Proceeding of the Courts of Law in civil suits and appeals, and rules for the trial of the same.	Section 100.
B.—ACTS.		
Act II of 1844 ...	An Act respecting the expenses of preparing copies of proceedings in appeals.	The whole.
Act XXV of 1852 ...	An Act for the execution of decrees made in appeal by Her Majesty in Council, &c.	So much as has not been repealed.
Act II of 1863	An Act to regulate the admission of appeals to Her Majesty in Council from certain judgments and orders in Provinces not subject to the General Regulations.	The whole.
C.—STATUTES.		
13 George III, Cap. 63 ...	An Act for establishing certain Regulations for the better management of the affairs of the East India Company, as well in India as in Europe.	Section 18.
37 George III, Cap. 142 ...	An Act for the better administration of justice at Calcutta, Madras, and Bombay, &c.	Section 16.

(Signed) WHITLEY STOKES,
Secy. to the Government of India.

Re-published by order of the Right Honourable the Governor in Council.

(Signed) D. F. CARMICHAEL,
Acting Chief Secretary.

THE REVENUE REGISTER.

No. 6. MADRAS :—MONDAY, JUNE 15, 1874. [VOL. VIII.]

MANUAL OF THE NELLORE DISTRICT—II.

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CHAPTER X—*Social Characteristics*.—This chapter, though entitled *Social Characteristics*, treats of “Tenures, the relation of Landlord and Tenant, and the Law of Inheritance.” The portion treating of tenures goes back to the very earliest times, even to the primitive days when each Aryan settler became the actual proprietor of what land he could clear and reclaim. Each holder, it is true, paid some proportion of his profits to the chief or sovereign of his tribe, but this was not rent for the land, but a sort of tax, perhaps voluntarily imposed, to pay for the protection afforded. A long extract from a letter by Mr. Stratton, Collector of the Western Pollams in 1800, shows that the poligars had by that time instituted a most debasing and tyrannous method of paying their servants, both civil and military. The pay of these servants was nominally high; but then it was habitually in arrears, and if paid at all, was not paid in money direct from the Treasury, but by an order on some defaulting ryot. This unfortunate man not having enough to satisfy the order, or “Tanka,” as it was called, tried to stave off demands by giving his tormentor food and a little money;

this, of course, merely postponed the evil day; for the creditor at last waxed impatient, and sought to realize what he could of his long due salary by a plunder and sale of the ryot's effects. This was an excellent and infallible recipe for the propagation of rapine and plunder on one side, and utter ruin on the other. Any system more subversive of political economy could not be conceived. The military establishment was also frequently paid by villages granted on what was called “Amaram,” or *ease* tenure. By this arrangement the uninitiated would suppose that the recipients would enjoy a fertile village on easy terms. Far from it—such was not the policy of the Poligars. They rewarded their faithful servants with villages of waste lands, or in a general state of ruin and decay. For a year or two no rent was asked, but as soon as the holder had repaired the tanks and channels and otherwise improved the land, rent at rapidly rising rates was demanded, until there was little or no difference between these “amaram” and ordinary tenures. The law of succession appears to have been from father to son, with an occasional female holder; but in general when there was no male heir, the property reverted to the Poligar. Another form of tenure, termed *Kattubadi*, seems to be a modification of the “amaram”—suffering equally

from both the ordinary and extraordinary demands of the Poligars, and like the *amaram* lands lapsing to the Poligar on failure of male heirs. The extreme oppressiveness of this arrangement will be at once apparent from the fact mentioned by Mr. Stratton, that the maximum net profit on these holdings was about eight star pagodas, and the minimum three star pagodas annually. The revenue was collected by a simple and efficient village system. The Mahomedans, we are told, did not alter this system, but they imposed even more exorbitant demands on non-Mussulman ryots; and it was under them that the principle of the land belonging primarily to the State was first developed. The land revenue system is next explained, with the modes of assessment, rates, *tirva*, &c.; the privileged classes are enumerated; and the taxes by which the revenue is augmented are next detailed. The British system is but briefly noticed in this chapter, as it is more fully discussed in a subsequent part of the Manual. A short glossary of revenue terms concludes the chapter.

Chapter XI—*Trades and Manufactures*.—This chapter was contributed by Mr. A. M. Simpson, a merchant, and Mr. C. E. Plunkett, Deputy Collector. The trade of the district consists chiefly in its products—grain, oil-seeds, indigo, cotton, cattle, &c. The indigo made in this district is stated to be good, though not on the average equal to that made in Cuddapah. The cotton trade has fallen off owing to the railway conveying the cotton at lower rates and by a more direct route to the Madras and other markets. The same cause has probably brought about the decrease noted in the manufacture of textile fabrics, which was at one time considerable. A great quantity of statistics as to the comparative return of the weaving power of the district, and the value and quantity of

cotton exported and imported, finishes this part of the chapter. The remainder of the chapter, written by Mr. Plunkett, points out that the decrease in the trade of the District, noted by Mr. Simpson, arises from the fact, that formerly the trade consisted in the products of more favoured districts, while now it is entirely local. The salt trade, too, has disappeared from the opening of salt manufactories in Bengal; while favourable seasons in other districts have reduced the grain trade to nothing. Statements of the Land Trade, of the Imports and Exports, occupy sixty pages (! ! !); and a short, but we fancy very useful, collection of tables of weights and measures closes the chapter.

Chapter XII—*Agriculture*.—This chapter was contributed by Mr. Charles Rundal of the Revenue Settlement, and displays the same irresistible fondness for statistics as do most of the other chapters in the book. There are some interesting accounts of the various crops raised and the method employed in their cultivation; and the prefixing to the description of each plant its proper botanical name will recommend itself to those seeking information, while those unacquainted with local nomenclature will recognize the plant by its scientific denomination.

Chapter XIII—*Antiquities*.—This chapter was, we should think, the personal work of the gifted collator of the volume. He tells us at the commencement that “the principal antiquities of the district consist of the ruins of old forts, of Hindoo temples, and copper plates or shasanams, chiefly title-deeds. Some of these last go as far back as 700 or 800 years.” There are also some inscriptions; but no sculptures of any value. In Nellore itself there were found some coffins imbedded in laterite with iron implements—also a pot of Roman coins. At Anantasagaram is

a remarkably fine tank containing, when full, near the principal bund, forty feet of water. It was constructed about A. D. 1522 by a pious Rayasum, in memory of his deceased parents—a costly, durable, and beneficial memorial of the departed well worthy of imitation by pious Hindoos and others of our own day. The Udayagiri Droog is also a place of some interest, rising to the height of 3,079 feet, and being, even to this day, a fortified place. A spring of water in the droog formerly supplied the town at its foot. Unfortunately the aqueduct is now out of repair, and the spring runs to waste, while the town suffers much from want of water.

Chapter XIV—*Political History*.—This chapter opens, naturally enough, with a glimpse of what Mr. Boswell aptly terms the “Pre Hindoo period,” and speaks of the probable descent of the present wild, or half wild, tribes, such as the *Yanadies*, *Yerakulas*, and *Chenchus*, from those early settlers whose origin is enveloped in mystery. The Nellore of the present day is a portion of the ancient kingdom of Telingana, throughout which Telugu is the vernacular. The country from the earliest recorded times seems to have passed from one obscure tribe to another, until it fell into the hands of the Gazapatti Rajahs of Worangul; and subsequently the Narapattis, whose power extended from 1336 to 1654, succumbing finally to the Mahomedan invasion. Among the early Mussulman rulers, Mahomed Toghlak distinguished himself, and seems to have done much to consolidate the dominion of his race. His army was, however, decimated by a pestilence, and on his retiring to his capital of Deogur, the Rajahs of Carnata and Telingana seized the opportunity to throw off, for a time at least, the Mussulman yoke. About this time the Bahmani Kingdom was founded by Hassan Gangu: this kingdom, however, held

together only 171 years, when it became divided into various independent states. Among these the Kingdom of Golcondah, near Hyderabad, was founded by Kutab Shah. This dynasty reigned from 1527 to 1687—a period of only 160 years, during which time no fewer than eight sovereigns ascended and descended the slippery steps of the throne; but in 1687 the dynasty was ended by the Emperor Aurungzeeb. In 1625 we find the first mention of the English, who, landing in the Nellore District some forty miles north of Pulicat, established a small trading settlement at Dugarazpatam, and named it Arma-gon, after the name of Armugum Moodelly, who gave them the land and assisted them in many ways. Subsequently, finding their trade did not flourish, Mr. Francis Day, then chief of the factory, proposed a move to the south of Pulicat; and in 1639, through an amicable arrangement with the Rajah of Calastry, the English made a settlement in a little fishing village, which we now know as Madras!! In endeavouring to resist the power of Aurungzeeb, the king of Golcondah formed an alliance with the renowned Sivaji, who, having arranged that the king of Golcondah should keep the Mogul armies in check, commenced a victorious march south, taking Gingi, Vellore, and Arnee. Meanwhile the territories of Golcondah had been invaded, and the king had come to terms with the Moguls. Subsequently in 1686, Abdul Hassan, then king of Golcondah, entered into an alliance with Sambaji, son of the great Sivaji. This drew down on Abdul Hassan the resentment of Aurungzeeb, who, having failed to subdue him by force, basely and treacherously obtained possession of his kingdom. On the death of Aurungzeeb, the kingdoms of Golcondah and Bijapur were left by him to his youngest son, who, however, refused to acknowledge the supremacy of his elder

brother, and was, in consequence, defeated and slain, and the kingdoms were given as a viceroyalty to a distinguished officer of Aurungzeeb. Thus was founded the line of the Nizams, or Soubahs, of the Deccan, who soon made themselves virtually independent of the Emperor of Delhi, though they remained allies of the Empire. The most important of the subordinate governments under the Soubahs was the Nawabship of the Carnatic, or, as we know it better, the Nawabship of Arcot. In this province or Nawabship was included the District of Nellore.

Chapter XV—*Political History*.—This chapter treats of the political history, not of Nellore only, but of the greater part of Southern India, during the troublous period from 1743 to 1763, a period of constant fighting, intrigue, and varying fortunes, in which English and French, Mahratta and Mussulman, were alike involved. It opens with the taking of Madras by Labourdonnais, owing to the fraud practised on the English by the French and Anwar-u-din; it was however restored to the English by the peace of Aix la Chapelle in 1749. The last events mentioned in the chapter is the battle of Wandewash, the reduction of Karical and other towns, with the final siege and capture of Pondicherry. Pondicherry was replaced in the possession of the French by the treaty of Paris in 1763, and the other small remains of French power in the East also reverted to their former owners. This collapse of the French power in India gave the Nawabship of the Carnatic to Mahomed Ali, the ally of the English; who, in return for the services of British troops, and for the expenses incurred during the war, conferred on the Government of Madras the District of Chingleput, known as the "Jaghire," yielding an annual revenue of four and a half lakhs of pagodas.

Chapter XVI—*Political History*.—This chapter carries on the story from the cession of the Northern Circars to the final cession of the Carnatic, from 1764 to 1801. In this chapter we first hear of Hyder Ali, the intrepid warrior and hard-hearted tyrant who raised himself from a lowly position to the proud throne of Mysore. The English were now well established in the country, and held the Northern Circars on a direct sunnud from the Emperor, while the Dewanny of Mysore was conferred on them by the Nizam Ali Mahomed, Soubahdar of the Deccan, with the trifling proviso that they should conquer it! The English did indeed conquer the chief towns of the Baramahal, but they were retaken by Hyder Ali. The English power was still further augmented by the Nawab of the Carnatic conferring on them the military administration of the country; and in 1771 they joined with Oomdat-ul-Oomrah in an expedition against Tanjore, which ended very favourably to the English, with a cession of territory and a payment of money. From this time to the death of Hyder Ali in 1782, war was waged with varying success between Hyder Ali and the French on one side, and the Soubahdar of the Deccan and the English on the other; but the general tendency of affairs was to improve the position of the British. After a time the Madras Government, finding the war with Hyder Ali had greatly crippled them, applied to the Nawab for pecuniary aid. This demand was at first resisted, on the ground of a treaty made in 1781 with the Bengal Government; but the Nawab finally consented to allow the British Government the revenues of the Carnatic for five years, receiving only one-sixth for his private expenses. This was the agreement; but the Nawab endeavoured to evade it and fell into the hands of the Board of Control, who ordered indeed the restora-

tion to him of his revenues, but saddled him with the payment to the Company of twelve lakhs of pagodas per annum towards the payment of his debts, and four lakhs for current expenses—all being secured by a cession of territory. War now ensued with Tippoo, son of Hyder Ali; and owing to the want of regularity in the Nawab's payments, the revenues were taken for the time being directly into the hands of Government, who appointed Collectors to Tinnevely, Madura and Vellore, Trichinopoly, Arcot, Nellore, and Ongole. On the conclusion of peace with Tippoo in 1792, this arrangement came to an end, and a new, and for the British a favourable, treaty was made before the death of Mahomed Ali. The effects on the country were anything but favourable. The Nawab, in his endeavours to pay the subsidy demanded as the price of the English military administration, ground down the people and reduced them to a ruined condition. In a short time Oomdat-ul-Oomrah was discovered in a treasonable correspondence with Tippoo Sultan, in direct violation of the treaty he had signed. The Government, in consequence, held itself absolved from the treaty, and assumed the entire government of the Carnatic, making a suitable arrangement for the maintenance of the Nawab and his family. By this treaty the Nawabship was not hereditary, but for two or three generations it was allowed to descend, till in 1855 Mahomed Ghouse died, and his uncle Azim Jah claimed the succession; but as the treaty had not recognized any hereditary right, and there were many reasons against it, the Government declined to allow the succession to go back to the uncle of the last holder, and declared the title at an end. The provision made for the family was liberal; Azim Jah enjoyed an income of a lakh and a half with the title of the Prince of Arcot. The

chapter concludes with a brief statement that in Nellore alone, political and other pensions amount to more than Rupees 36,000 per mensem.

Chapter XVII—*Revenue History*.—This chapter sets before us the administration of the Nellore District prior to, and its condition at the time of, the assumption of the Government by the East India Company. This chapter was contributed by a gentleman, whose initials alone, M. C. S., are given, and presents a sad picture of misrule and oppression. The land revenue was, as usual in India, the chief source of revenue, but it was terribly mismanaged. There seems to have been no mirassi right in Nellore, though something analogous was to be found in the tenure of the kadim ryots, who were the hereditary and permanent farmers of the soil. They had no proprietary rights however, and were incompetent to sell the land. These kadims were responsible to the Government for the rent, and leased out their villages to payakari cultivators. The village system of Nellore did not materially differ from that of other parts of Southern India. The Revenue system was faulty in the extreme. The representative of the Nawab, termed a Fouzdar, lived generally at Nellore, and was usually some weak and profligate connection or retainer. The country was given out in large portions to renters, who were ground down themselves by the Nawab and the Fouzdar, and who, in their turn, rack-rented the unfortunate sub-renters and ryots under them. So severe was the tyranny, so hopeless the condition of the ryots, that many of them fled to the Ceded Districts, to Madras, or to the British possessions in the Northern Circars. Others converted their arable land into pastures, and reared and bred large herds of cattle. Another source of revenue was termed *sayer* or miscellaneous; this, too, got

into a terrible state, and for a long time before the country passed into British hands, the revenues had steadily fallen. The judicial and police systems may be said to have been in abeyance; the Fouzdar being the only judicial officer of the province. The Hindoos settled their civil disputes by arbitration; and the Mussulmans by the aid of their Kazi and Naibs. As to the Kavalgars and watch peons, they became, by pressure of circumstances, and perhaps natural inclination, the greatest robbers of the district. In fact, the state of the country at the time of the British assumption was almost beyond hope, and we should think could scarcely be credited by strangers. We will quote a few lines from the sad picture drawn by M. C. S. "The confusion and uncertainty of the revenue system; the oppressions of the renters, themselves the victims of the rapacity of the Nawabs, and compelled to recoup themselves by exactions from their people; the fraud and venality which had infected all ranks; the poverty of the cultivators who were nine-tenths of the community; their ignorance and apathetic indifference to their own improvement; the stagnation of trade and manufacture consequent on restrictive taxation and general insecurity; the depredations of Poligars and Kavalgars, the supposed guardians of the public security; the total want of a system of judicature—all these combined to produce a state of things wretched in the extreme, and from which it would be vain to hope for sudden or rapid improvement."

HIGH COURT—MADRAS.

MORGAN, C. J., AND KINDERSLEY, J.

*Right to running water.**

A riparian owner is entitled to the use of the stream as it flows through his land for all lawful purposes, and may erect such works as are sufficient to enable him so to use the stream for irrigation purposes as will not interfere with the rights of others.

PER KINDERSLEY, J.—*Each case should be decided on its own merits, and it cannot be laid down as a general rule, still less as an invariable rule, that irrigation is even in India such an ordinary use of water as would justify its diversion to the prejudice of other riparian proprietors.*

R. A. 52 of 1873.

Mooppavarapu Venkata Nandam Puntalu,
Mooktiar, on behalf of his Highness the
Maharajah of Vizianagram, K.C.S.I.;

versus.

Sri Rajah Muganti Sita Ramasamy Bahadoor,
Proprietor of Chitigada and Jagannadapooram.

In Original Suit No. 10 of 1871, in the Civil Court of Vizagapatam, the plaintiff (appellant) stated that the river Bodderu rises in the hills called Bongundammah Parvatam Kojam metta, situated to the north of Konam Village, attached to the Zemindary of Madugula, belonging to the defendant, and flows southward into the Vad-dadi river belonging to plaintiff. On the 14th November 1888, plaintiff and the Zemindar of Bobbili, the then proprietor of Chidikadu Jagannadapooram estate, agreed that when the water in Bodderu was knee-deep or less, the first defendant should put up a temporary dam one foot high, composed of sand and sticks, at Chapa katt, at the head of the river, thereby retaining two-thirds of the water flowing down, and allowing the plaintiff the remaining third for cultivation; and that, during the freshes, the river was to flow unchecked for the benefit of both parties alike.

In March last, second defendant, as the agent of the first defendant, erected a permanent dam, nine feet high, at Dhalama katt, two miles further south than the original one at Chapa katt, thereby diminishing the plaintiff's water supply.

The plaintiff prayed that the defendant might be ordered to remove the dam at Dhalama katt, restore that at Chapa katt, and for a perpetual injunction restraining the defendants from

* Published in Volume IX, *Madras Jurist*, page 209.—
Ed. R. R.

erecting any other dam, or cutting any other channel than that existing.

By his written statement, the first defendant, alleged that he purchased the Chidikadu Jagannadapooram estate, with all rights and easements; that he was, therefore, entitled to the use of the river Bodderu, and to construct dams across it for the purposes of irrigation; and that plaintiff has suffered no loss whatever by the dam complained of.

The second defendant, as the mooktiar of the first defendant, had no interest in the suit, and prayed that he might be struck out therefrom.

The following issues were settled by the Court:—

1st. That the plaintiff has no cause of action.

2nd. That the plaintiff is barred by the law of limitation.

3rd. The right of the respective parties to the use of the water of the stream.

4th. That defendants are barred.

The Civil Judge (Mr. E. C. G. Thomas) gave the following judgment:—

1. This is partly a riparian suit.

2. The questions before the Court are, however, somewhat narrowed and simplified by an admission on the part of the defendant of a certain definite right which he concedes to the plaintiff.

3. He admits the right of the plaintiff to one-third of the flow of the river at low-water.

4. The plaintiff adds to this restrictions on the defendant as to the rights still remaining with the defendant. These remaining rights must be considered in detail.

5. A preliminary issue is that the plaintiff is barred by the law of limitation. To establish this point the defendant asserts that he has for a long term of years exercised the right of erecting dams across the Bodderu when and how he liked, unchallenged by the plaintiff, and that the plaintiff is, therefore, debarred for evermore from questioning that general right.

6. The evidence in support of this allegation is not strong, but accepting it as it stands, the utmost it asserts is that somewhere between — and — years ago the defendant had a dam built across the river, below the point to which plaintiff now wishes to restrict him, and that it was carried away by the first freshes. It is not shown that it lasted a single season, that any irrigation was carried on by means of it, or that it in any way called upon plaintiff to defend his rights. The action of nature relieved him of the possible future invasion of them, and his inaction regarding a structure that was, on one single occasion, run up and swept away within a few months, and never repaired, cannot be taken to establish anything in favour of defendant or against the plaintiff's present

right to sue. This second issue must, therefore, be found in favour of the plaintiff.

7. The other preliminary issue is that the plaintiff has no cause of action inasmuch as

1st. The dam complained of was not completed;

2nd. Was not constructed in such a way as to prevent the flow to him of the admitted one-third at low-water;

3rd. Has not yet caused him any damage.

8. The first reason is in reality hardly maintained anywhere. The defendant frankly asserts a right, and is not careful to deny exercise of it. The evidence of Mr. Laskey is sufficient to satisfy the Court of the existence of this dam right across the river.

9. The second reason the defendant very properly made to depend chiefly on the professional opinion of the same witness, an officer of the Department of Public Works. From his evidence it seems that the dam was a stone and chunam wall six or seven feet high on a loose stone basis, and he was of opinion that such a dam would so thoroughly impede the flow of the river that one-third could not possibly escape through it, or by it, at low-water.

10. Thirdly, a right invaded or obstructed gives cause of action even without actual damage having been caused.

11. This first issue must, therefore, be given in favour of plaintiff.

12. The third issue, "the rights of the respective parties," brings us to the general question of the suit.

13. The defendant concedes to the plaintiff one-third at low-water, and the free use at flood times. This concession, he states, was an agreement between them. Plaintiff goes further, and on the strength of that agreement, seeks to restrict defendant to one single dam, and that one at an indicated spot, where from time immemorial a rough brushwood dam has existed, viz., Chapa katt. Plaintiff declares that he bases his restriction also upon general riparian rights.

14. On this point I have been able to find but one recorded decision, viz., in *Sutherland*, Volume III, page 218, in which it is decided that a riparian owner must not so deal with a stream as sensibly to disturb the natural condition of the stream as it exists within the limits of other proprietors whether above or below." This decision is evidently and exactly based on the gist of most English decisions on the use of flowing water; the principle again and again laid down in them that the proprietor of adjoining land is entitled to the reasonable use of it as it runs by his land, is almost always coupled with what is taken as the corollary; that therefore, without the consent of the other proprietors no one may diminish the quantity that would flow to his neighbour. *Mason v. Hill*, 5, B. and Ad., 1; *Wright v.*

Howard, 1, Sim. and Stn., 190; cited judgment, 12, M. and W., 349; judgment, *Embray v. Owen*, 6, Ex., 368-373; *Chasemore v. Richards*, 7, H. L. Cases, 349; *Ramstron v. Taylor*, 11, Ex., 369.

15. But this restrictive explanation of the principle has plainly grown up in a country where the *motive* and not the *irrigating* power of water has been brought before the Courts as subject of dispute. If, in this country, the construction of new works of irrigation was thus peremptorily forbidden for evermore, the restriction would be senseless, and opposed to public interest in the highest degree; for though in a country full of tanks, there is probably no room for new works and new rights, it is very different in the case of rivers. It is probable that there is not a single river in the peninsula on which works utilizing water that now flows into the sea would not benefit the country, not a single river which might not by new works be made more valuable to the community for preventing famine and saving life without detriment to any previous rights. I conclude, therefore, that this narrow construction of the principle is inapplicable to this country, and that we must, in riparian suits, be guided more by the broad maxim *Sic utere tuo ut alienum non laedas*.

16. When the constructor of a new work is justified neither by previous use nor by custom, we have to consider, first, whether his position on a stream gives, in a general way, a right to the use of it; and, secondly, whether the use he proposes to make of the stream is such as will not injure his neighbours on the stream. In the present case it is admitted that the Bodderu stream rises in the property of the defendant, and both banks are for many miles entirely his. As to his general right, therefore, to the use of the stream there is no question; he has a larger right from the area of his riparian possessions than any other person.

17. But, applying the above maxim, the question arises whether the use he wishes to make of the stream would injure others; and the plaintiff contends that he is more definitely restrained by the terms of the agreement between them. This the defendant denies, and it is for the plaintiff to prove it. The plaintiff does not produce the agreement, but he produces various documents which refer to it, and all that these documents prove is, that there was some agreement, and that the chief, if not only condition, was that the plaintiff should have one-third at low-water, and the ordinary use at flood. As the only dam that has been proved to have existed for long, was Chapa katt; it is not improbable that the understanding between the parties was that the dam should be so re-constructed. But this is mere supposition; the agreement is not produced, and the collateral documents even do not

show it. In fact, the plaintiff's whole rights are matters of admission on the part of defendant, and not of proof on that of plaintiff. By no terms, therefore, is it possible to consider defendant restricted to Chapa katt. But circumstances sometimes indicate that which is not expressed.

18. Are the features of the country such that the advantages promised to plaintiff would be lost if the site of the dam were altered? and would the plaintiff, therefore, suffer serious damage?

19. I have carefully considered this question with the professional aid of the witness, Mr. Laskey, and the topographical knowledge of the parties and their witnesses. It has been distinctly and fully admitted that the irrigation of plaintiff's lands is quite as possible from the proposed site for the dam as the old one, and that the change injures no one.

20. Under these circumstances, there is no ground on which any one can object to defendant's selecting this new site for his proposed, more permanent, costly dam.

21. The fourth issue is to the effect that the defendant, by long continued foregoing of his right to make dams on the river, is barred for ever from exercising that right.

22. The bar of legal limitation may be objected to the bringing of suits, and the use for a term of twenty years by another the resumption of some particular defined right; but if it were the case that an uncontested, unnoticed general power or advantage, if left unused to the full for twenty years, was thenceforth to be lost to the former owner except in so far exactly as he had used it, this would distinctly and simply prevent for ever the development of any country by the residents and rightful owners, and leave it a barred and closed waste to all except new comers, manifestly an absurdity.

23. This issue must, therefore, be given in favour of defendant.

24. I find, therefore, that the defendant has a right to construct a dam at Dhalama katt or at such other spot as will not interfere with the rights of others, but that it must be so constructed as to leave to plaintiff the use of one-third of water at low-water, and not interfere with his general rights at other times.

25. Had defendant attended to this condition in the construction of the new dam, there would have been no cause of action against him.

26. As it appeared in the course of the suit, that, had plaintiff merely insisted on the dam being so constructed as to give him his rights, there is every probability a right so frankly admitted would have been attended to, and as plaintiff's much wider and untenable demand has had something to do with defendant's rather defiant, reckless act, it is just that the parties should share the cost of their mutual unreasonableness.

27. Had the intelligent plaintiff taken a personal part in inquiring into this matter, there can be no doubt that this suit between him and the frank and reasonable defendant would have been avoided.

28. The second defendant being only the servant of the first defendant, and having no real interest in the suit, is relieved of all concern in the suit.

29. Costs divided.

The decree was as follows:—

“This Court doth order and decree that the first defendant has a right to construct a dam at Dhalama katt, or at such other spot on the river Bodderu as will not interfere with the rights of others, but that it must be so constructed as to leave to plaintiff the use of one-third of water at low-water, and not interfere with his general rights at other times. It is also ordered that the second defendant be relieved of all concern in the suit, and that the costs of the suit be divided between the plaintiff and the first defendant.

From this decree the plaintiff appealed to the High Court on the following grounds:—

1. The District Judge is wrong in his view of the law, and his decision is opposed to the evidence and admitted facts of the case.

2. The decision is at variance with the very findings and propositions laid down by the Judge himself.

3. The right set up by the defendant never existed before; and if it ever existed at all, he is barred by non-setting it up by lapse of time.

4. The plaintiff never acquiesced in the defendant's claim to obstruct the stream in the manner he did.

5. The plaintiff's rights, as claimed by him, are admitted by the defendant himself.

6. As riparian owner, the plaintiff is entitled to his full share in, and to the unobstructed enjoyment of, the natural flow of the water in the river in question.

7. The defendant did not show that he had any title to obstruct this natural right; and it was for him to show that he had.

Mr. Miller (Mr. Scharlieb with him) contended, in support of the appeal, that the decree was very vague, and left the whole matter in dispute open to re-litigation; that the decree was inconsistent with the judgment, by which it was evident that the District Court intended to support the agreement set up by the plaintiff; under this agreement the plaintiff was entitled to the unobstructed flow of all the water from the Chapa katt dam, whereas, by the erection of the Dhalama katt dam, the defendant had appropriated the greater part, if not the whole, of the drainage of the country for the two miles of river course between the two dams. As to the old dam the evidence of the plaintiff's witnesses was clear and distinct; as to the alleged right

of erecting another dam, and of the exercise of that right by the defendant, there was simply the conflicting statements of the two witnesses called by him. The Civil Judge easily disposed of this alleged exercise of the right to erect another dam. That the plaintiff is injured by the act of the defendant is so self-evident, that evidence on the subject is scarcely necessary; but there is the clear statement of the professional Engineer, Mr. Laskey, that the new bund must obstruct the flow of water to a great extent, that it may cause a silting up of the bed of the river, and if that occur, then that the water supply will cease entirely during the hot weather. There is the special agreement, practically admitted by the defendant, and found by the Civil Judge; and there is the general law upon the subject of right to flowing water in the cases of *Wright v. Howard*, 1, S. & S., 202; *Mason v. Hill*, 5, B. & Ad. In *Minor v. Gilmore* Lord Kingsdown laid down the law too broadly in the opinion of the Judges in *Lord Norbury v. Kitchin*, 9, Jur., N. S.

Defendant has caused injury to plaintiff by the erection of this new dam, but even if he had not, plaintiff is entitled to keep him to his agreement, and by law may sue him for obstructing the flow of the river. Plaintiff is, therefore, entitled to a perpetual injunction on defendant restraining him from building a dam at any other place than Chapa katt, or in any other manner than provided for in the agreement, and for an order directing defendant to remove the dam at Dhalama katt.

Mr. Spring Branson.—The judgment of the lower Court is right, and the decree is perfectly consistent therewith. Plaintiff sets up a special agreement, whereby the defendant can never build any dam on the river flowing through his lands, save at Chapa katt—this special agreement he has failed to prove. Plaintiff complains of injury inflicted on him by defendant, and quotes Mr. Laskey's evidence; but the word “if” therein, is unfortunate for plaintiff's contention, for Mr. Laskey says—if the bed of the river silt up then the flow of water will cease; but there is not a particle of evidence that the contingency has occurred. On the contrary, the Civil Judge finds that the plaintiff has suffered no injury. It is then contended that the ordinary law of the right of riparian owners of land to the water flowing past their estates applies, and plaintiff is entitled to sue even though he cannot prove actual injury. It is contended for defendant that if the English law applied, the defendant was clearly entitled to build the Dhalama katt; and if the Court be of opinion that the English cases do not apply to India, then the plaintiff cannot obtain compensation for an injury he has not suffered, or compel the defendant to abide by an agreement he has failed to prove. The English law, as laid down by Lord Kingsdown, in *Minor v. Gilmore*, XII, Moore's P. C., was approved

of, and followed in *Nuttall v. Bramwell*, L. R., 2, Ex., 9 and 13; and applying that law to the present case, the defendant has only done what he was entitled to do. But it is submitted that the English cases do not apply. The true principle to be followed in such cases is laid down in *The Madras Railway Company v. Rajah of Karvetnugger* (VI, Mad. H. C. Rep., 185); and the Civil Judge has correctly applied that principle in the fifteenth paragraph of his judgment.

If, then, the plaintiff be suing on the alleged agreement, he has failed to prove his case; if he claim simply the rights conferred upon him by law, he has no case whether the English cases apply or not; for the defendant has only exercised the legal rights he possessed, and plaintiff is uninjured thereby.

Mr. Miller, in reply, cited V, Madras High Court Reports, page 6.

The High Court delivered the following

Judgment:—1st May 1874.

CHIEF JUSTICE.—The judgment of the Court below is, I think, substantially right. For many years past the parties to this litigation have observed the arrangement or settlement which was arrived at in 1838, and it is upon a fair construction of that agreement that their present differences should be adjusted.

The plaintiff has, in the present suit, laid claim to rights far beyond those secured to him by that agreement. It would appear that by virtue of it he seeks to confine the defendant to such use of the stream as could be derived from a dam of the kind then existing, and erected at the very spot there mentioned, and to claim for himself the exclusive use of the waters of the stream below the dam with all such additions as they might receive.

But the rights of the defendant to the use of the stream cannot be so limited. He is entitled, subject to the plaintiff's just rights, to the use of the stream as it flows through his land, for purposes of irrigation and for all lawful purposes; and for such purposes he may erect and make such works as are sufficient to enable him to use the waters not merely at the place mentioned, but at other places. On the other hand, the plaintiff, under the agreement, may lawfully complain of the erection of works of such a character as the new dam—which, according to the evidence, will, if its construction be maintained, have the effect of intercepting the flow of water to the plaintiff's land, and so depriving him of that which is his due. When the water of the stream is low (and the agreement which has for many years been acted upon must be taken to prescribe a sufficiently accurate standard of measurement) the works erected by the defendant must be of such a description as to leave for the plaintiff's use such a quantity

of water as, under the agreement, would flow to his land. The Court's decree defines the rights of the parties sufficiently, recognizing the defendant's right to construct such works as are sufficient for his lawful enjoyment of the water, and prohibiting him from the creation of any such works as would obstruct the plaintiff's use of the water under the agreement made and observed for many years. I would affirm the decision and dismiss the appeal. Each party will bear his own costs of appeal.

KINDERSLEY, J.—I agree that it is not necessary to alter the decree of the District Court, which, in substance, declares that the first defendant has a right to construct a dam at Dhalama katt, or at such other spot on the river Bodderu as will not interfere with the rights of others; but that it must be so constructed as to leave to the plaintiff the use of one-third of the water at low-water, and not interfere with his general rights at other times.

It is conceded that there was an old agreement between the parties that the plaintiff was to be allowed the use of one-third of the water at low-water, and it has not been shown beyond this there was any further stipulation in the agreement restricting the defendant to the temporary dam at Chapa katt, and preventing him from building one on his own ground lower down the river.

Nor does it appear that any such restriction is imposed upon the defendant by the operation of the law relating to riparian proprietors generally.

In *Embray v. Owen* (6, Exch., 369), to which we have been referred, it was laid down that the right to have the stream to flow in its natural state without diminution or alteration was an incident to the property in the land through which it passed, but that flowing water is *publici Juris*, (see *Mason v. Hill*, 5, B. and Ad., 1), not in the sense that it is a *bonum vacans* to which the first occupant may acquire an exclusive right; but that it is public and common in this sense only, that all may reasonably use it who have a right of access to it, that none can have any property in the water itself, except in the particular portion which he may choose to abstract from the stream and take into his possession, and that during the time of his possession only. The right to the benefit and advantage of the water flowing past his land, is not an absolute and exclusive right to the flow of all the water in its natural state; if it were so, every abstraction of it would give a cause of action; but it is right only to the flow of the water, and the enjoyment of it, subject to the similar rights of all the proprietors of the banks on each side to the reasonable enjoyment of the same gift of Providence. It is only, therefore, for an unreasonable, and unauthorized use of this com-

mon benefit that an action will lie. Again, it has been laid down by Lord Kingsdown, in *Miner v. Gilmore*, XII, Moore's P. C., 156, to which we have been referred, that by the general law applicable to running streams, every riparian proprietor has a right to what may be called the ordinary use of the water flowing past his land, for instance, to the reasonable use of the water for his domestic purposes, and for his cattle, and this without regard to the effect which such use may have in case of a deficiency upon proprietors lower down the stream. But, further, he has a right to the use of it for any purpose, or what may be deemed the extraordinary use of it, provided that he does not thereby interfere with the rights of other proprietors, either above or below him. Subject to this condition he may dam up the stream for the purpose of a mill or divert the water for the purpose of irrigation. But he has no right to interrupt the regular flow of the stream if he thereby interferes with the lawful use of the water by other proprietors, and inflict upon them a sensible injury.

In order to determine what is the ordinary use of the water of a running stream, regard must be had to the custom and usages of the country, and where we find the irrigation of the land a usual practice and a matter of national importance, as in this country, the Courts would probably be unwilling so to construe the law as to place an unnecessary check on the application of water by a riparian proprietor to so useful a purpose. So, it appears, that in the State of Massachusetts in America, a man owning a close on an ancient brook may lawfully use the water thereof for purposes of husbandry, as watering his cattle, or irrigating his close, and if the owner of a close below is damaged thereby, it is *Damnum absque injuriâ* (1, Hilliard, L. of Ports, 597).

The water of the Boddern has been used by both parties for purposes of irrigation for a number of years: and there is, therefore, the less reason for saying in the present case that such use of it is an extraordinary use. I am inclined to think that each case should be decided on its own merits, and that it cannot be laid down as a general rule, still less as an invariable rule, that irrigation is even in India such an ordinary use of water as would justify its diversion to the prejudice of other riparian proprietors. But I agree that in the present case the defendant has applied the water to its ordinary use, and that the plaintiff has not shown that he has any right by the general law relating to running streams to prevent the construction of a dam at Dhalama katt or to restrict the defendant to the dam at Chapa katt provided that the plaintiff continues to receive not less than his one-third share at low-water. I, therefore, agree to dismiss this appeal, each party bearing his own costs.

HER MAJESTY'S PRIVY COUNCIL.

[MADRAS CASE.]

Rameswarem Pagoda — Pandaram — Right to appoint.

The Zemindar of Ramnad, alleging himself to be the Dharmakhartā or Trustee of the Rameswarem Pagoda, and as such possessing the right to conduct the management of it, sued to appoint to the office of Pandaram, and to eject the present Pandaram on the ground of misappropriation, but principally on the ground that he had not been appointed to, or confirmed in, the office by the Zemindar.

HELD, that the constitution and rules of religious brotherhoods attached to Hindoo temples are by no means uniform in their character, and that the important principle to be observed by the Courts is to ascertain, if possible, the special laws and usages governing the particular community whose affairs become the subject of litigation, and to be guided by them—that, in the case of the right put forward by the Zemindar of Ramnad, it was probable that the Setupatis, in the days of their power, exercised control over the pagoda, not by virtue of any proprietary right of patronage, but as the de facto rulers of the district, which position had since passed to the British Government—that on a review of the whole of the evidence, there was no instance of the appointment of a pandaram by the Zemindars satisfactorily proved, except that of the child by Muttu Ramalinga in 1793, nor of any pandaram having been kept out of his office or ejected from it, because the Zemindar had not confirmed his appointment—and that in the absence of proof of the actual exercise of either of the rights claimed, the appellant had failed to establish his pretension to oust the defendant pandaram from his office, because he was not appointed to, or confirmed in, it by him or his predecessors.

Judgment of the Lords of the Judicial Committee of the Privy Council on the appeal of Rajah Muttu Ramalinga Setupati and others v. Periamayagum Pillai, Guardian, &c., from the High Court of Judicature at Madras, delivered 18th March 1874.

Present.

SIR BARNES PEACOCK.
SIR MONTAGU E. SMITH.
SIR ROBERT P. COLLIER.

THE question raised in this appeal relates to the right of the Zemindars of the large and important Zemindary of Ramnad in the Madura District either to appoint, or to confirm the election of, the pandaram or head of the cele-

brated and richly endowed pagoda of Rameswaram.

The possessions of this temple are estimated by the appellant to be of the value of 200,000*l*.

The plaint of the Ranees Zemindar (now represented by the appellant, the present Zemindar), filed so long ago as the year 1857, sought to oust the original defendant, Ambalavana Pillai, from the office of pandaram which he *de facto* held.

It alleged that the Zemindar was the dhar-makharta or trustee of the pagoda, and had the right to conduct the management of it. It indirectly also asserted her right to appoint the pandarams, and concluded with a prayer for a decree to the effect that the Zemindar should conduct the management of the pagoda, and that the defendant pandaram should be removed from the management, and pay over the money in his hands to the Zemindar.

The plaintiff also charged the pandaram with misappropriation of the property, and the prayer for his removal was based on this charge, and also, though vaguely, on the ground of his not having been appointed to, or confirmed in, the office by the Zemindar.

The charges of misappropriation were not sustained by the evidence and have been abandoned; so also has the claim of the Zemindar to be placed in the direct management of the pagoda, and to have its funds placed in his hands. And the single question argued at their lordships' bar, and to which issue the cause was brought by consent in the High Court is, whether the Zemindar has established the right to appoint or to confirm the election of the pandarams of this great pagoda, and was entitled to a decree for the removal of the defendant from the office of pandaram because he was not so appointed or confirmed.

The early history of the pagoda is obscured by time, and its foundation cannot be shown. But it is evidently an ancient temple of great renown, which has long attracted pilgrims from all parts of India. It is situated on an island in the extreme south of India, connected with the lands of the zemindary by a causeway. The Rajahs of Ramnad were the guardians of this causeway, and had thence acquired the title of Setupati, or Lord of the Causeway.

It is asserted on the part of the pandaram that the pagoda of Rameswaram was an independent endowment, in which the Rajahs Setupati had no rights of patronage, or control, other than the general authority they assumed as the rightful or *de facto* rulers of the district, to prevent abuses in the management of its affairs, and to see that its laws and usages were properly observed.

The first records in the evidence are some inscriptions on stones found in the walls of the

pagoda. The earliest inscription is on a mandapam, and states that the mandapam was erected by Munerama Nathan "as a place to halt for the god Ramesar, who was attached to this pagoda, founded by Mall or Vishnu." Its date is in the Salivahana era 1520, which corresponds with the Christian year 1588. It is evident from this and other inscriptions that the pagoda was an ancient temple at this time.

Subsequently, in the year of the Salivahana era 1607, the Rajah of Ramnad made a gift of five villages, and in 1609 another gift of eight villages to the pagoda. These grants, as the dates show, formed no part of the original endowment of the pagoda, and no condition is found in them creating or reserving any rights of patronage or interference in the affairs of the temple. There is evidence of similar gifts of villages from other Rajahs, among them the Rajah of Sivagangga, showing that the pagoda had been endowed by other donors than the Lord of Ramnad. Indeed, of the seventy villages belonging to the pagoda, thirteen only are proved to have been given to it by that Rajah. The right, therefore, now claimed by the Zemindar of Ramnad is not shown to have an origin in the foundation or subsequent endowment of the pagoda.

It may be observed, before further considering the evidence, that the case on both sides is singularly deficient in materials to elucidate the constitution of the community or brotherhood attached to this pagoda, the duties of the pandarams, and whether they are selected from a particular family or class. The claims of the Zemindars also have been put forward in the most uncertain way. They at one time asserted a right to be chief managers, and directly to appoint the pandarams as sub-managers, but that claim was not strongly urged by Mr. Mackeson at their lordships' bar. He mainly contended, in his elaborate argument, for the right to have the pandarams presented to the Zemindars for confirmation when nominated or elected by others. It is obvious, however, that there is a great distinction between a right to appoint and one to confirm; and if the latter only is insisted on, it still might be expected that some definite information would be given as to the manner of electing the candidate to be presented for confirmation. The absence of such evidence may perhaps be accounted for by the fact that the claim it was at first attempted to sustain was the right of direct appointment.

It is not, however, unimportant to observe that it appears to be the common practice in the Madras Presidency for pandarams to appoint their successors. (See Mr. Norton's Leading Cases, pp. 592-3).

But the constitution and rules of religious brotherhoods attached to Hindoo temples are by no means uniform in their character, and

the important principle to be observed by the Courts is to ascertain, if that be possible, the special laws and usages governing the particular community whose affairs become the subject of litigation, and to be guided by them.

That principle was laid down by this Committee in an appeal involving the succession to the office of Mohunt of a richly-endowed Mutt in Rajgunge in these terms:—"It is to be observed that the only law as to these mohunts and their office, functions, and duties, is to be found in custom and practice, which are to be proved by testimony." (See XI, Moore's I. A., 428).

In this case the burden of proving that the right he claims is supported by usage lies upon the Zemindar, and the question to be decided is, whether he has sustained it.

It was contended on his behalf that the Zemindar of Ramnad is dharmakbarta of the pagoda, and that it must be inferred from this title he had the power he claims. But the right to bear this title, and the functions belonging to its holder, are among the disputed questions involved in the general controversy between the parties. The title "Dharmakbarta" may have a definite signification, but their lordships observe, in the proceedings of this record, it is used in different senses, sometimes to denote a trustee who appoints the pandaram, or head manager, and sometimes the manager himself. In the long contention which took place between the Zemindar and the pandaram in the Collectorate, as to the titles by which each was to address the other, the Collectors refused to allow either to assume this title. Their lordships, upon the imperfect information disclosed by the record, will, therefore, abstain from using this appellation, and will not attempt to define what the title as regards this pagoda indicates, or to whom it belongs; but will proceed to consider the substantial issue they have to determine, viz., whether the Zemindar has established the right, under whatever name, to make or confirm the appointment of pandarams.

It has been already stated that he has failed to show that such a right is derived either from the original foundation or any subsequent endowments of the pagoda by his predecessors.

The counsel for the Zemindar strongly relied on statements found in certain depositions as affording proof of the direct appointment and removal of pandarams by the Rajahs of Ramnad prior to the Christian year 1793; and if these statements were admissible and trustworthy, they would afford strong support to the Zemindar's case. The depositions were taken in 1815, on the death of Pandaram Ramanada, who had held the office from 1793. On his death Venkatachellum claimed to be his successor, alleging that he had been appointed by his predecessor according to custom.

Objections were made to Mr. Peter, the Collector of Madura, against his appointment, upon the ground that he had not been nominated by the dying pandaram, but had been put forward after his death by certain persons attached to the pagoda. The Collector required the head Tahsildar to make inquiries as to the fact and time of Venkatachellum's appointment, and several depositions, the authenticity of which is not questioned, were taken by him, bearing on this matter. The statements in question appear to have been made at this time, but there is no satisfactory evidence to show they were obtained by any competent or independent authority. It is suggested that they were taken by the Tahsildar, but there is no proof of this, and the Tahsildar's report is not forthcoming. On the other hand, the form of the documents leads to the inference that they were not so taken. They are addressed "to the Company's Circar," signed by the deponents, and attested by two native witnesses, from which it may be inferred that they were written statements obtained on behalf of the Zemindar, and sent to the Tahsildar to be forwarded to the Collector. Their lordships think that such statements ought not to be received as proof of an important right, and that they were properly rejected as inadmissible by the High Court.

The first appointment of which there is trustworthy evidence occurred in 1793. In that year Muttu Ramalinga, then Setupati of Ramnad, appointed Ramanada to be pandaram.

Mr. Nelson's "Manual of the Madura Country," compiled by order of the Madras Government, describes the disturbed state of Ramnad and the rest of Madura at this time and for some years previously. A British force had been employed against the Setupati to enforce the rights of the Nabob of the Carnatic, and the district had afterwards passed under the direct authority of the British Government. This appointment of Ramanada was near the period of the transition of the sovereign power from the Nabob to the British Government. It appears from the authority above cited that, in 1792, Muttu Ramalinga showed symptoms of rebellion against that Government, and in 1795 he was deposed, and his sister, the Ranee, installed in the possession of the Raj. It was with this Ranee the permanent settlement was made in 1803. (See Part IV, p. 154).

The pandaram appointed by Muttu Ramalinga in 1793 was only five years old, and he took from this child a kararnamah, which is much relied on by the appellant.

It commences thus:—"As you have been pleased to appoint me for the management of the affairs of the pagoda at Ramewarem, I will cause pujah to be duly performed in the pagoda," &c.

The instrument also contains the following passages:—

"In case of my dealing friendly with the enemies of the zemindary you may remove me, and appoint another person in my room. . . If I act improperly in these affairs, I shall submit myself to the orders of the Zemindar."

This appointment, and the *kararnama* which followed it, would, under ordinary conditions, be entitled to great weight, but when the disturbed state of the district and the age of the pandaram are regarded, the transaction loses much, if not all, of its force as evidence of the right claimed.

Ramanada filled the office of pandaram until his death in 1815. After this date much valuable evidence is afforded by the proceedings of the Collectors.

The permanent settlement, as already stated, was made with the Ranees in 1803: but this settlement did not include the villages belonging to the pagoda, which had long been held free from tribute. Some years before 1815, both the zemindary and the pagoda had been under attachment. It was contended that the pagoda had been attached as part of the zemindary; but, although the orders of attachment are not set out, enough appears on the Record to negative this suggestion. It was not until after the zemindary had been attached in consequence of a disputed succession, that the pagoda was placed under attachment on account of the alleged mismanagement of the pandaram. (See *Plaint*, paragraph 3; *Petition of Appeal*, p. 66; and the Collector's Letter, 20th September 1832, p. 248).

Such was the state of things in 1815, when Venkatachellum claimed to be pandaram on the nomination of his predecessor. Two documents appear on the Record, both dated 19th July 1815, and addressed to the Collector; one from the dying Pandaram Ramanada, stating that he had appointed Setu Ramanada (Venkatachellum), whom he describes as "a relation of mine by blood, and a descendant of our family," to be his successor (p. 392); and another from Venkatachellum announcing his appointment, praying for instructions for his guidance, and that the attachment of the pagoda might be removed.

The Ranees Setupati disputed this appointment. In a letter of the 3rd August 1815, she prays the Collector to prevent his being invested with the *parivatam* cloth, and the other emblems of office. An inquiry was thereupon directed to ascertain whether Venkatachellum had been appointed by the dying pandaram; and before receiving any report from the Tahsildar, the Collector, on the 9th August, directed that officer to inhibit the installation of Venkatachellum as pandaram "until further orders" (p. 90).

This temporary injunction was, however, removed by the same Collector by an order of the 27th July 1816 (p. 347) directing the Tahsildar that Venkatachellum should be installed as pandaram with all usual ceremonies according to custom, and he was installed accordingly.

It was contended for the appellant that the order suspending the installation was made by the Collector as the representative of the Zemindar, whilst the zemindary was under attachment, and that the order authorizing it was a new appointment of Venkatachellum in the same right.

Their lordships are unable to concur in this view of the acts of the Collector. They think the proper construction to be placed on his action in the matter is, that the orders first suspending, and then directing the installation, were made by him as a public officer on the part of the Government, and not in virtue of any right derived from the Zemindar. It also appears to them that the last order did not profess to be, and was not an original appointment, but was an act of the Collector to give effect to the title derived from the nomination of the former pandaram. They are consequently of opinion that Venkatachellum's title to the office must be considered to rest upon the nomination of his predecessor, and not upon any appointment or confirmatory act proceeding from the Zemindar.

It will be convenient to consider what powers the Board of Revenue and the Collectors possessed, or *de facto* exercised in relation to religious houses.

The proceedings upon the accession of Venkatachellum, above described, took place before Regulation VII of 1817 was passed. But it is evident that before that Regulation the British Government, by virtue of its sovereign power, asserted, as the former rulers of the country had done, the right to visit endowments of this kind and to prevent and redress abuses in their management.

There can be little doubt that this superintending authority was exercised by the old rulers. Mr. Nelson in the *Madura Manual* says, "The principal pagodas, with their enormous establishments, their officiating priests, &c., were managed by a *dharma-kharta*, or trustee and manager for life, who, as stated above, was usually a monk and guru." He had said just before—"The manager of the great pagoda at Madura seems to have been always a pandaram or *saiva* monk." Mr. Nelson evidently designates the manager, and not the person appointing him, as *dharma-kharta*, who might be a monk or pandaram, in which case he would probably be known by the latter title. He then describes the duties of the manager:—"He collected and disbursed the revenues derived from the lands granted to the pagoda by the King and others, and from fees and offer-

ings; appointed the officiating Brabmins and servants," &c.

He then says:—"The dharmakhartas held but little communication one with another, and recognized no earthly superiors except the King himself. Each was independent of all control, and acted altogether as he pleased. This freedom led naturally to gross abuses, and the King was compelled occasionally to interfere in the management of some of the churches." (Part III, Chap. 7, p. 162).

The King here spoken of was the ruler of Madura; but there is little doubt that the Setupatis of Ramnad, although the vassals of the Pandaya of Madura, exercised sovereign power within their own territories. Mr. Nelson says, "there is, therefore, a considerable amount of evidence which goes to support the claim to high antiquity put forward by the Ramnad Royal family. And, seeing that Rameswaram has been resorted to annually by large bodies of pilgrims, and that this would have been simply impossible unless some strong-handed prince or princes were ruling over the country in the neighbourhood, I think it may be pretty safely concluded that the principality of Ramnad had been in existence for many centuries before Sadeika Sevan (who seems to have lived in the sixteenth century) was made Setupati." (Manual, p. 111).

It appears, therefore, to be highly probable that the Setupatis, in the days of their power, exercised control over the pagoda, not, however, in virtue of any proprietary right of patronage, but as the rightful or *de facto* rulers of the district. The powers they enjoyed as sovereigns, whatever they may have been, have now passed to the British Government, and the present Zemindars can have no rights with respect to the pagoda other than those of a private and proprietary nature, which they can establish by evidence to belong to them.

That the new rulers, at an early date, exercised a controlling supervision and authority over the temples very clearly appears from a letter written in 1803, by the Board of Revenue to Mr. Hurdis, the Collector of Madura, of which the following extracts are printed in the Manual (Part IV, Chap. 5, p. 130):—

"The subject of devastanum lands is of great importance to the happiness of the people, and the attention paid to the interests of the pagodas by the immediate officers of the Government has been attended with the most beneficial consequences to the people in different parts of the peninsula."

After saying that the Governor-General had directed that the Collector should proclaim the restoration of the lands resumed from the pagodas by the late Government, the letter proceeds thus:—

"The administration of these lands forms a distinct question. The extensive abuses found

to prevail with respect to these lands, with which the pagodas of Dindigul were endowed, render it expedient that the lands and affairs of the pagodas of Madura be conducted in the same manner as those of Dindigul, under the immediate care of the Collector."

It is abundantly clear from this letter that long before Regulation VII of 1817 the British Government not only assumed the power to superintend the management of the property and affairs of the pagodas throughout the peninsula, but exercise its authority through the agency of the Collectors.

The preamble of the Regulation of 1817, after stating that large endowments had been granted by former Governments as well as by the British Government and individuals for the support of temples, and that the produce of such endowments were, in many instances, misappropriated, declares it to be "the duty of the Government to provide that all such endowments be applied according to the real intent and will of the grantor." It then enacts that the general superintendence of all endowments should be vested in the Board of Revenue, and prescribes the duties to be performed by them to prevent misappropriation of the funds. It also authorizes the Board to appoint local agents, and declares that the Collector of the district shall be *ex officio* one of such agents. (Sections 7 and 8).

The counsel for the appellant, whilst admitting that the proceedings of the Collectors subsequent to this Regulation might be equivocal with regard to the character in which they acted, strongly insisted that the acts of those officers prior to it could only have proceeded from, and must, therefore, be referred to the rights of the Zemindar vested in them under the attachment. This contention is, however, entirely disposed of, when it is established that at an early date the power of superintendence was intrusted by the Government to the Board of Revenue and the Collectors. The Regulation, in fact, merely defined the manner in which that power was thenceforth to be exercised.

The general authority of the Collectors as agents of the Government being thus shown, the ground is cleared for considering the question which was so much discussed on the argument, whether the Collectors in the various proceedings found in the Record were acting under such general authority, or as the appellant asserts in virtue of the rights of the Zemindar.

From 1815 until 1828, during the whole of which time both the zemindary and the pagoda were under attachment, there is no doubt that the pagoda was managed by the pandaram under the control of the Collectors, even in minute details, but the counsel for the appellant did not establish to their lordships' satis-

faction the inference he sought to draw from this evidence, that the Collector's interference arose from his representing the Zemindar's interest. On the contrary, considering that the pagoda had been attached for the alleged misconduct of the pandaram, and having regard to the powers of superintendence entrusted to the Collectors as agents of the Government, both before and under the Regulation of 1817, they think that their interference ought to be referred to the exercise of these powers. This view is supported by the reports of the Collectors made during a subsequent attachment to be presently adverted to.

The long litigation respecting the succession to the zemindary ended in 1828, when a judgment of His Majesty in Council established the title of Ramaswami Setupati to the zemindary of Ramuad.

The attachment which had so long existed was thereupon removed. It appears from an order of the Collector, dated 21st April 1829, addressed to Ramaswami Setupati, that on his removal the pagoda was ordered to be delivered over with the zemindary to the Setupati, and for some time he appears to have assumed to control the management of it, as the Collectors had done. The appellant's counsel urged that this delivery of possession to the Zemindar, besides being in itself strong evidence in his favour, threw light on the proceedings of the Collectors throughout the time of the attachment. If the orders relied on had not been corrected, they might have been rightly so regarded, but they were, after full inquiry, superseded by subsequent orders hereafter referred to.

On 21st April 1830, Ramaswami Setupati died, having devised the zemindary to his two daughters. Both being minors, the management of the estate became vested in the Board of Revenue, acting as the Court of Wards, and so remained until 1846, when, on the deaths of the minors, the zemindary was restored to their mother Ravi Setupati, who was the original plaintiff in the present suit.

Whilst the estate was under the care of the Court of Wards, a manager was appointed on behalf of the minor Zemindars. Disputes appear to have arisen between this manager and the pandaram, in consequence of the latter being kept out of possession of the pagoda, and the manager assuming the control of it.

The then Collector, Mr. Vivash, being appealed to by both, investigated their complaints, and on the 20th September 1832, made a report to the Board of Revenue, which is well worthy of attention.

In that report, paragraph 2, Mr. Vivash says:—

"2. The devastanum and chuttrums, of Rameswarem, were assumed by Mr. Peter with the

sanction of your Board, in consequence of mismanagement by the pandaram, and entrusted to the superintendence of the head Tabsildar of Ramnad, and subsequently to the control of the Sub-Collector, who continued to manage the devastanum affairs until the Ramnad zemindary was made over to Ramaswami Setupati, the Zemindar, in the year 1829; the Rameswarem devastanum was entrusted to the Zemindar's management at the same time as a temporary measure in consequence of the Sub-Collector having been appointed to another part of the district, and the Zemindar was the only responsible person to whom I could with propriety and safety entrust the management pending the determination of your Board as to provisions for the future devastanum management."

This statement confirms the view their lordships derived from the evidence, that, under the attachment, the Collectors acted as the agents of the Government in superintending the pagoda. It also shows that when, on the discharge of the attachment in 1839, the pagoda was entrusted by Mr. Vivash to the Zemindar's care, it was not so done because of any right belonging to him as Zemindar, as the appellant alleges, but as "a temporary measure" in the absence of the Sub-Collector: the Zemindar being a responsible person selected by the Collector to have the care of it, until the Board had decided upon the future management.

This view is confirmed by the statements of fact contained in other parts of the Report. Paragraph 3 states that, the pandaram appointed in 1815 was not allowed, as his predecessor, exclusive control, but "was ordered jointly with the Circar servants to conduct the devastanum affairs."

Again, paragraph 4 says: "The Ramnad Zemindar, or rather the manager on the (minor) Zemindar's behalf, urges his right to the management. . . . It appears to me unnecessary to dwell upon this claim as the Rameswarem devastanum has never been managed by the Zemindar since the date of the permanent sunnud; and before that period it is universally admitted that the pandarams in succession conducted exclusively the devastanum affairs."

It may be allowed that this latter statement ought not to be relied on as proof of the fact said to be admitted, but what the Collector says of the practice since the permanent sunnud would be derived from official records and experience.

Mr. Vivash further reports that, in his opinion, the supervision of the Zemindars would be useful to check abuses, and his recommendations are contained in paragraphs Nos. 5 and 6.

"5. I think, therefore, that the pandaram might, without objection, be placed in immediate

management of the devastanum of Rameswaram and its revenues, that the expenditure and the sibbundy be arranged agreeably to a list fixed with reference to the usual disbursements, and that the Zemindar be appointed supervisor with authority to interfere in controlling expenditure and checking abuses, and that periodical accounts of receipts and disbursements may be rendered to the huzur for the purpose of preparing which a Huzur Goomastah may be employed at Rameswaram.

"6. Concurring with my predecessor that control over the devastanum expenditure and the devastanum affairs is necessary to preserve its revenues from spoliation, and to enforce a due performance of the necessary and usual ceremonies, as the country of Ramnad is under the management of the Zemindar's family, I would recommend that the Zemindar be nominated to this duty, because they are people of integrity and responsibility, and would, I have no doubt, discharge the duty of supervision with advantage, to the interest of the devastanum and their own credit."

It appears that this Report was laid before the Governor in Council, and a letter was thereupon written, and transmitted through the Board of Revenue to the Collector, approving of his proposed measures and directing them to be carried into effect.

The Collector afterwards sent an order to the manager of the zemindary, under the Court of Wards, directing him to put the pandaram in possession of the pagoda. The manager having hesitated to obey it, the Collector issued the following peremptory order:—

"To the Gaurdian of Ramnad."

"I have received and perused the nrzi No. 14, addressed by you on the 23rd instant, to the effect that the pagoda of Rameswaram and the villages attached to it, should not be put in the possession of the pandaram, and that your man and the pandaram's man should jointly hold the management. Having examined the documents, &c., connected with the above matter for several days, I wrote to the Board the circumstances under which the said pandaram held the said pagoda and the villages attached thereto for a long time prior to the attachment by the Circar. In accordance with the orders issued in this matter by the Government and the Board, you were ordered to allow the pandaram to hold the said pagoda, &c. You should do so immediately. The delay is unfair. You wrote that your servants also should be employed together. This will create a great disturbance. Therefore, the custom must be followed up. Nothing can be done contrary to the custom. However, if the said pandaram misbehave for the future, it will be then taken into consideration. If you do not give him possession immediately the Circar officers shall be sent to put him in possession."

Nothing can be more decisive than this action of the Collector on the question of the character in which he was acting. So far from

relying on the right of the Zemindar, he acted in direct opposition to the claims of his guardiau.

The pandaram (Venkatachellum) having been thus restored to full possession of the pagoda, the manager for the Zemindar again put forward his claim to the management, and on this occasion he impeached the validity of the title under which the pandaram had held the office since 1815, asserting the Zemindar's right to appoint the pandarams as well as to manage the pagoda.

This new dispute was referred to the then Collector, Mr. Wroughton. His report upon it is dated the 7th January 1834. It appears that he examined the depositions sent to the Collectorate in 1815, and other documents, and he records the facts which, in his opinion, are adverse to the claims made on the part of the Zemindar. He also reported in favour of the title of the Pandaram Venkatachellum to the office.

The Board of Revenue upon this report made a minute on the 30th July 1835 that there existed no ground for questioning the validity of the appointment of the pandaram.

One of the objections urged by Mr. Mackeson to the judgment of the High Court was that the Judges had given too much weight to the Reports of the Collectors, which they described as "quasi-judicial proceedings." It is to be observed, however, that it is the duty of the Collectors, under Section 10 of the Regulation of 1817, to ascertain and report to the Board the names of the present trustees, managers, and superintendents of the temples, and by whom and under what authority they have been appointed or elected, and whether in conformity to the special provisions of the original endowment by the founder, or under any general rules. They are also, under Section 11, to report all vacancies, with full information, to enable the Board to judge of the pretensions of claimants, and whether the succession has been by descent, or by election, and if so, by whom. The Report, therefore, of Mr. Wroughton was entirely within his province, and the line of his duty.

Their lordships think it must be conceded that when these Reports express opinions on the private rights of parties, such opinions are not to be regarded as having judicial authority or force. But being the reports of public officers made in the course of duty, and under statutable authority, they are entitled to great consideration so far as they supply information of official proceedings and historical facts, and also in so far as they are relevant to explain the conduct and acts of the parties in relation to them, and the proceedings of the Government founded upon them.

Whilst protesting against the weight given by the High Court to Mr. Wroughton's Report, Mr. Mackeson invoked the authority of the Collector's opinion contained in the last paragraph of it, in aid of his contention that the appointment was invalid without the zemindar's confirmation.

The paragraph is as follows :—

"Para. 13. It appears generally from the documents and witnesses produced on both sides, that it has been the established custom that the dying pandaram nominates one of his disciples, and that the election is reported for the Zemindar's sanction and approbation, who, therefore, issues orders to the stalathars of the pagoda to show him the usual respect and to obey his orders. At the time the present pandaram was nominated the zemindary was in dispute, and held under attachment by the Collector, so that the orders which would have, under other circumstances, emanated from the Zemindar, were passed by the Collector. The orders were dated 23rd July 1816, to the late head Tahsildar."

The opinion of Mr. Wroughton is clearly against the claim of the Zemindars to nominate to the office, and it may be doubtful whether he intends to support their pretension to a right of confirmation in the sense of a power entitling the Zemindar to reject the person elected, and to treat the pandaram who enters upon the office without his confirmation as an usurper.

But however that may be, their lordships have already said that the opinions of the Collectors are not to be treated as having judicial authority. They also think that if the opinion of Mr. Wroughton really is to the effect contended for, it is not well founded. They have already commented on the effect of the orders passed by the Collector in 1816.

It is very probable that the pandarams, on their election, were presented to the Setupati, not for the confirmation of their title, but to obtain from him, as the great chieftain of the district, a recognition of it, and to secure his protection and support.

In consequence of the recommendations contained in the Reports of the Collectors (1832 and 1834) rules were drawn up for the superintendence of the pagoda. They were to the effect that the pandaram was to be the manager, but an officer of the Zemindar was to superintend the management, reporting to the Zemindar, who was to send in the Reports to the Collector. It was expressly declared that this officer should treat the pandaram with great respect.

This state of things again led to frequent disputes. Mr. Blackburne, the Collector, writes to the Board that he had received no less than forty-two recriminatory complaints in eleven months from the manager of the zemindary

and the pandaram. In consequence the pagoda was again placed under attachment; and the Collector, on the 17th September 1836, addressed orders to the pandaram and the manager stating that, as they gave vain trouble, and did not act up to the Board's orders, the management would be kept under attachment on behalf of the Circar until they came to an amicable settlement.

In April 1837, the disputants came to a formal compromise, and the pandaram promised to submit to the superintendence of the manager, and do certain things in conjunction with him. The razeenamah drawn up on this occasion was strongly relied upon by the appellant's counsel. Taken by itself, this agreement would certainly appear to recognize the manager as superintendent in right of the Zemindar; but, having regard to the recommendations in Mr. Vivash's Report, paragraph 5, that the Zemindar should be appointed supervisor, with authority to interfere in controlling expenditure and checking abuses, their lordships think that the acknowledgment must be referred to the power entrusted to the Zemindar as the nominee of the Government. Even if it had been shown that some power of superintendence resided in the owners of the zemindary, it would not at all follow that the right to interfere in the appointment of pandarams belonged to them.

Pandaram Venkatachellum continued in office until his death in November 1854, having filled it since 1815.

Before his death he appointed as his successor Chockalingam Pillai, who continued in office until his death in February 1857. He appointed Chidambara Pillai to succeed him, who died shortly afterwards, having first nominated Ambalavana Pillai, the original defendant in this suit, to be his successor.

It results from a review of the whole mass of evidence in this case that there is no instance of the appointment of a pandaram by the Zemindars satisfactorily proved, except that of the child by Muttu Ramalinga in 1793, nor of any pandaram having been kept out of his office or ejected from it, because the Zemindar had not confirmed his appointment.

In the absence of proof of the actual exercise of either of the rights claimed, the rest of the evidence, for the reasons already given, is in their lordships' opinion wholly insufficient to maintain them. They are, therefore, of opinion that the appellant has failed to establish his pretension to oust the pandaram from his office, because he was not appointed to, or confirmed in, it by him or his predecessors.

In the result they will humbly advise Her Majesty to affirm the decree of the High Court, and to dismiss this appeal with costs.

MISCELLANEOUS.

MADRAS AGRICULTURAL EXHIBITION, 1874.

THE following List shows the names of the Judges and the Prizes awarded by them at the recent Agricultural Exhibition held at Madras :—

SECTION A.—LIVE STOCK.

CLASS I AND II.

Judges.

1. Dr. Pritchard.
2. J. H. Blair, Esq.
3. M. R. Ry. Rungiah Reddy.
4. „ Hurry Row.
5. Colonel Clementson.
6. A. Wedderburn, Esq.

SECTION A.—LIVE STOCK.

CLASS III AND IV.

Judges.

1. Dr. Burn.
2. Augustus Arathoon, Esq.
3. M. R. Ry. M. Vencatasamy Naidu.
4. „ Dorasamy Iyer.
5. W. Sharkey, Esq.
6. J. D. B. Gribble, Esq.
7. A. M. Jones, Esq.

SECTION A.—LIVE STOCK.

CLASS V.—POULTRY, &c.,

and

SECTION C.—MISCELLANEOUS.

Judges.

1. The Hon'ble J. D. Sim, c. s. i.
2. Clement Simpson, Esq.
3. W. B. Liddell, Esq.
4. M. R. Ry. Arumuga Mudaliar.
5. „ Pothem Vencatachella Chettiar.

SECTION B.—VEGETABLE PRODUCTIONS.

CLASS I.—DIVISION (a), (b), (c), AND (d).

*Grains and Pulses.**Judges.*

1. The Hon'ble W. Robinson, c. s. i.
2. W. R. Barlow, Esq.
3. Dr. Cornish.
4. M. R. Ry. S. Vijayaragavulu Chetty.
5. „ R. Ragunatha Row.

SECTION B.—VEGETABLE PRODUCTIONS.

CLASS I.—DIVISION (e), (f), (g), AND (h).

Judges.

1. The Hon'ble V. Ramiengar, c. s. i.
2. Hyder Jung Bahadur.

SECTION B.—VEGETABLE PRODUCTIONS.

CLASS I.—DIVISION (i) AND (j).

Judges.

1. Colonel Benson.
2. Colonel Shaw Stewart.

SECTION B.—PLANTATION AND JUNGLE PRODUCE.

CLASS II.

Judges.

1. H. E. Sullivan, Esq.
2. Captain Walker.
3. A. Smith, Esq.
4. A. J. B. Atkinson, Esq.

SECTION D.—MACHINERY, &c.

Judges.

1. R. F. Chisholm, Esq.
2. J. N. Grainger, Esq.
3. Colonel Rogers.
4. Nazoomudeen Sahib.
5. Sama Row.

OFFICIAL PRIZE LIST.

SECTION A.—LIVE STOCK.

Prize List No. Competing for.	Exhibits.	Names of Exhibitors.	Prize.	Amount.
				RS.
		PONIES AND ASSES.—CLASS I.		
		27 animals exhibited		
1	Pony-Stallion	R. F. Chisholm, Esq., Madras	Special.	20
		CATTLE.—CLASS II.		
		148 animals exhibited.		
2	Bull, any Indian breed, fit for getting Dairy Stock	Bolinedi Andinarayudu, Nellore	1st Prize.	50
2	Do. do. do.	Bollinum Venkiah, Nellore	3rd "	15
3	Do. any breed do.	E. J. Lecot, Esq., Madras	1st "	50
3	Do. do. do.	Guddum Pera Reddy, Nellore	3rd "	15
4	Do. do. for getting Draught Cattle	Kunta Govindu, Nellore	1st "	50
4	Do. do. do.	Guntoo Venkiah, do.	2nd "	20
4	Do. do. do.	Bollinum Venkiah, do.	3rd "	15
5	Best bull, under 3 years old	Kunta Govindu, do.	Special.	65
6	Cow, imported, any breed, suitable for breeding Dairy Stock.	J. P. Waller, Esq., Madras	1st Prize.	50
7	Do. any Indian breed, in milk, suitable for breeding Dairy Stock	R. Hurri Row, Esq., Mylapore	1st "	50
7	Do. do. do. do.	A. Arathoon, Esq., Nungumbankum	2nd "	30
7	Do. do. do. do.	Ahmed Buksh, Nellore	3rd "	20
7	Do. do. do. do.	Yagambara Reddy, Madras	Special.	15
7	Do. do. do. do.	Govindu Pillay, do.	Do.	15
7	Do. do. do. do.	Madaconda Venketramudu	Do.	15
7	Do. do. do. do.	Danampudy Chinua Kottadu, Nellore.	Do.	15
8	Do. any breed, in milk, suitable for getting Dairy Stock.	Conday Narasudu, Nellore	1st Prize.	50
8	Do. do. do. do.	A. Arathoon, Esq., Nungumbankum	2nd "	30
8	Do. do. do. do.	Do. do.	3rd "	20
8	Do. do. do. do.	Kanamaul Subbadu, Nellore	Special.	15
8	Do. do. do. do.	Chucka Kottadoo, do.	Do.	15
8	Do. do. do. do.	E. J. Lecot, Esq., Madras	Extra.	50
9	Do. do. suitable for breeding Draught Cattle	Puppula Kottadoo, Nellore	1st Prize.	50
9	Do. do. do. do.	Bollinum Venkiah, Do.	2nd "	35
9	Do. do. do. do.	E. Thompson, Esq., Sydapet	Special.	15
9	Do. do. do. do.	Parthasarathy Pillay, Madras	Do.	15
9	Do. do. do. do.	Chucka Kottadoo, Nellore	Do.	15
9	Do. do. do. do.	Coya Jyagadoo, do.	Do.	15
10	Heifer, any breed, under 3 years old	R. Hurry Row, Esq., Mylapore	1st Prize.	30
10	Do. do. do. do.	Chucka Kottadoo, Nellore	2nd "	20
10	Do. do. do. do.	Ainapudi Chendrugadu	Extra.	20
10	Do. do. do. do.	Puppula Kottadoo, Nellore	Do.	20

SECTION A.—LIVE STOCK.—(Continued.)

Prize List No. Competing for.	Exhibits.	Names of Exhibitors.	Prize.	Amount.
		CATTLE.—CLASS II.—(Continued.)		RS.
10	Heifer, any breed, under 3 years old ...	Mrs. Robertson ...	Extra.	20
10	Do. do. do. ...	Kuttah Ramudu, Nellore ...	Do.	20
10	Do. do. do. ...	Sacundu Kondadoo, do. ...	Do.	20
10	Do. do. do. (best.) ...	Danampudi Lutchiminasu, Nellore...	Special.	40
10	Do. do. do. (do.) ...	Danampudi Ramoodoo, Nellore ...	Do.	50
10	Do. do. do. ...	Kunta Nursudoo, Nellore ...	Do.	20
10	Do. do. do. ...	Kunjadu Chinna Kottadu, Nellore ...	Do.	15
		SHEEP AND GOATS.—CLASS III.		
		82 animals exhibited.		
	Rams—			
	Patna breed ...	Dr. Shortt, Kilpauk, Madras ...	Special.	15
	Coimbatore breed ...	Ramakistnama Naidu, Coimbatore ...	1st Prize.	20
	Do. do. ...	G. B. Labourn, Esq., Madras ...	2nd „	10
	Do. do. ...	Narayana Naidu, Coimbatore ...	Extra.	15
	Do. do. ...	Kunta Govindu, Nellore ...	Do.	10
	Nellore do. ...	Karamaul Soobbadoo, Nellore ...	2nd Prize.	10
	Bussorah do. ...	Dr. Shortt, Kilpauk, Madras ...	Special.	30
	Bellary do. ...	Do. do. do. ...	Do.	10
	Mysore do. ...	Do. do. do. ...	Do.	15
	Mixed do. ...	Mooneesawmy, Sydapet ...	Do.	10
	Ewes—			
	Sydapet breed ...	Chaboo Meah, Sydapet ...	Do.	10
	Do. do. ...	Ramasawmy Pillay, Sydapet ...	Do.	10
	Coimbatore breed ...	G. B. Laybourn, Esq., Madras ...	2nd Prize.	10
	Patna breed ...	A. Arathoon, Esq., Nungumbaukum...	Special.	15
	Wethers—			
	Wether ...	Dr. Shortt, Kilpauk, Madras ...	Do.	20
	Goats—			
	He Goat ...	Kunta Govindu, Nellore ...	1st Prize.	10
	Do. ...	Chucka Kottiah ...	3rd „	5
	She Goat ...	Mrs. E. Thompson, Guindy, Sydapet...	1st „	10
	Do. ...	Do. do. do. ...	2nd „	7½
		SWINE.—CLASS IV.		
		15 animals exhibited.		
	Sow, bred in India, small size...	A. Arathoon, Esq., Nungumbaukum...	2nd Prize.	10
	Boar do. do. ...	Do. do. do. ...	Special.	15

SECTION A.—LIVE STOCK.—(Concluded.)

Prize List No. Competing for.	Exhibits.	Names of Exhibitors.	Prize.	Amount.
	Exhibits—	POULTRY, RABBITS, &c.—CLASS V.		RS.
		Pigeons 109		
		Rabbits 25		
		Fowls 216		
		Ducks and Geese 21		
		Turkeys and Guinea Fowls ... 11		
2	Dorking Fowls, bred in India...	Mrs. Robertson, Sydapet ...	1st Prize.	10
3	Cochin China Fowls, imported.	David Ballantyne, Esq., Royapet ...	Do.	15
4	Do. do. bred in India	A. Arathoon, Esq., Nungumbaukum...	Do.	10
6	Brahma Pootra Fowls, do. ...	Do. do. do. ...	Do.	10
6	Do. do. ...	Mrs. Cornish, Teynampet, Madras ...	Extra.	10
8	Black Spanish Fowls, do. ...	David Ballantyne, Esq., Royapet ...	1st Prize.	10
10	Any other indigenous breed of Fowls	Mahomed Hoossain, Triplicane ...	Do.	10
11	Any breed of Fowls ...	Venketramanjuloo Chetty, Madras ...	Do.	10
11	Do. do.	Mrs. Gerdes	2nd Prize.	5
15	Turkeys, bred in India ...	A. Arathoon, Esq., Nungumbaukum...	1st „	10
17	Geese, do.	Mrs. Lawson, Palaveram	2nd „	5
18	Pigeons, any breed ...	Mahomed Esack, Triplicane ...	1st „	10
18	Do. do.	Soobroy (Butler), Sydapet	Extra.	10
13	Ducks, bred in India ...	A. Arathoon, Esq., Nungumbaukum...	1st Prize.	10
19	Rabbits, any breed	Ramasawmy (Butler), Adyar	Do.	10
20	Eggs, (Fowls)	C. Simpson, Esq., Nungumbaukum ...	Do.	5
20	Do. do.	Mrs. Gerdes	2nd Prize.	3
	Half-bred Brahma Pootra Fowls.	Abboy, Mattupallium, Sydapet ...	Extra.	5
	Do. do. do...	Ramoodoo (Woddur) do.	Do.	3
	Do. do. do...	Appavoo („) do.	Do.	2
	Do. do. 5 Chickens.	Rungadoo („) do.	Do.	2
	Do. Brahma Pootra Fowls.	Ethirajooloo („) do.	Do.	2

SECTION B.—VEGETABLE PRODUCTIONS.

Prize List No. Competing for.	Exhibits.	Names of Exhibitors.	Prize.	Amount.
FIELD PRODUCE.—CLASS I.				
<i>Grains.—Division (a.)</i>				
1	Carolina Paddy	A. Arathoon, Esq., Nungumbankum ...	1st Prize.	10
1	Do.	M. R. Ry. S. Vijayaragavulu Chettiar, Sydapet	2nd "	7½
2	Sumba Paddy	" do. do.	1st "	7½
2	Do.	" A. Gooroosawmy Moodelliar, Sydapet	3rd "	2½
2	Other varieties of Paddy ...	A. Sunkariah, Esq., Cochin State ...	Special.	5
2	Do. do.	Mr. Dorasawmy Iyer, for various Ryots in Conjeveram Taluk ...	Do.	5
2	Do. do.	Sabashkhan Saib	Do.	5
2	Do. do.	Venketasawmy Chetty, Sydapet ...	Do.	2½
2	Do. do.	Balaj Sing, do.	Do.	2½
4	Raggy	A. J. B. Atkinson, Esq., for various Ryots in Cuddapah District ...	1st Prize.	7½
4	Do.	Mr. J. Lomagan	2nd "	5
5	Tenney	Ramasawmy Naidu, Sydapet	3rd "	2½
6	Shainay	A. Sunkariah, Esq., Cochin State ...	3rd "	2½
7	Varagoo	Ramasawmy Naidu, Sydapet	2nd "	5
8	Cumboo	Do. do.	2nd "	5
9	Yellow Cholam	A. J. B. Atkinson, Esq., for various Ryots in Cuddapah District ...	1st "	7½
10	White do.	Chucka Kottadoo, Nellore	1st "	7½
11	Red do.	A. J. B. Atkinson, Esq., for various Ryots in Cuddapah District ...	3rd "	2½
12	Maize	Soobroy (Butler), Sydapet	2nd "	5
<i>Collection of Grains.—Division (b.)</i>				
1	Collection of Grains	Hurri Row, Esq., Mylapore	1st "	30
	Do. do.	Do. do.	Special.	30
<i>Pulses.—Division (c.)</i>				
1	Horse-gram	Ruthna Chetty, Guindy, Sydapet ...	3rd Prize.	2½
3	Black do.	A. Gooroosawmy Moodelliar, Sydapet.	1st "	7½
3	Do. do.	Venketasawmy Chetty, do.	3rd "	2½
4	Green do.	Rungasawmy Naidu, do.	2nd "	5
<i>Collection of Pulses.—Division (d.)</i>				
1	Collection of Pulses	Venketasawmy Chetty, Sydapet ...	Special.	2½
<i>Oil-seeds.—Division (e.)</i>				
1	Caster-oil Seed	A. Gooroosawmy Moodelliar, Sydapet.	2nd Prize.	5
	Lamp-oil do.	A. Sunkariah, Esq., Cochin State ...	Special.	7½
	Do. do.	Soobooroya Chetty, Sydapet	Do.	2½

SECTION B.—VEGETABLE PRODUCTIONS.—(Continued.)

Prize List No. Competing for.	Exhibits.	Names of Exhibitors.	Prize.	Amount.
		<i>Oil-seeds.—Division (e).—(Continued.)</i>		RS.
2	Gingelly-oil Seed, Black ...	A. Sunkariah, Esq., Cochin State ...	1st Prize.	7 $\frac{1}{2}$
2	Do. do. White ...	Ruthna Chetty, Guindy, Sydapet ...	3rd „	2 $\frac{1}{2}$
2	Do. do. do. ...	Soobroya Chetty, Sydapet ...	Extra.	2 $\frac{1}{2}$
2	Do. do. Red ...	Ramasawmy Naidu, Sydapet ...	Do.	2 $\frac{1}{2}$
3	Linseed ...	Ragava Chetty, Sydapet ...	2nd Prize.	5
5	Cotton-seed ...	Venkatasa Chetty, do. ...	3rd „	2 $\frac{1}{2}$
5	Do. ...	Ruthna Chetty do. ...	Extra.	2 $\frac{1}{2}$
		<i>Fibres.—Division (g.)</i>		
4	Cleaned Cotton ...	A. J. B. Atkinson, Esq., for various Ryots in Cuddapah District ...	2nd Prize.	7 $\frac{1}{2}$
9	Jute Fibre ...	Ramasawmy Naidu, Sydapet ...	1st „	10
		<i>Collections of Fibre.—Division (h.)</i>		
1	Collections of Fibre ...	J. H. Brougham, Esq., Salem ...	1st „	30
1	Do. ...	W. D. Horsely, Esq., Collector of Cuddapah, for a Ryot in Cuddapah District ...	2nd „	20
		<i>Fodder, green and dry.—Division (i.)</i>		
1	Lucerne ...	Col. Clementson, St. Thomas' Mount..	1st „	10
1	Do. ...	Soobroy (Butler), Sydapet ...	3rd „	5
2	Guinea Grass ...	Do. do. ...	1st „	10
6	Harriali do. ...	Col. Clementson, St. Thomas' Mount..	2nd „	7 $\frac{1}{2}$
6	Do. do. ...	Soobroy (Butler), Sydapet ...	3rd „	5
		<i>Special Crops.—Division (j.)</i>		
2	Sugar-cane ...	J. D. B. Gribble, Esq., for a Ryot in Cuddapah District ...	1st „	10
2	Do. ...	H. H. the First Prince of Travancore.	2nd „	7 $\frac{1}{2}$
2	Do. ...	Soondra Naicker, Vunnia Tenampet...	3rd „	5
4	Tobacco ...	Tahsildar of Athoor, for a Ryot in Salem ...	1st „	10
4	Do. ...	Moothoosawmy Moodelly, Trichinopoly ...	2nd „	7 $\frac{1}{2}$
4	Do. ...	Byappah Reddy, Cuddapah ...	3rd „	5
6	Indigo ...	Kunta Govindu, Nellore ...	1st „	10
6	Do. ...	Butchee Reddy, Vyrampackum ...	2nd „	7 $\frac{1}{2}$

SECTION B.—VEGETABLE PRODUCTIONS.—(Concluded.)

Prize List No. Competing for.	Exhibits.	Names of Exhibitors.	Prize.	Amount.
		PLANTATION AND JUNGLE PRODUCE.— CLASS II.		RS.
1	Coffee	F. Sherman, Esq., Kotagherry ...	1st Prize.	50
1	Do.	Messrs. Grant & Co., and Messrs. Arbutnot & Co. ...	2nd „	25
1	Do.	A. Sunkariah, Esq., Cochin State ...	Special.	25
2	Green Tea	J. H. Findlay, Esq., Radanade ...	1st Prize.	30
3	Black Tea	Mrs. Morgan, Ootacamund ...	1st „	30
3	Do.	Do. do. ...	2nd „	20
5	Cardamom	A. Sunkariah, Esq., Cochin State ...	2nd „	5
8	Arrowroot	G. B. Laybourn, Esq., Madras ...	1st „	10
8	Do.	Do. do. do. „ ...	2nd „	5
10	Ginger	H. H. the First Prince of Travancore.	1st „	10
10	Do.	Soobba Reddy, Athoor ...	2nd „	5
11	Turmeric	Basar Jal, Cuddapah ...	1st „	10
11	Do.	H. H. the First Prince of Travancore...	2nd „	5
13	Tassa Silk	Dr. Shortt, Shervroy Hills ...	1st „	20
14	Silk of any other variety 100			
	Cocoons	Messrs. Dymes and Co., Madras ...	1st „	20
16	Do. do. reeled ...	Do. do. do. ...	1st „	10
18	Honey	Soobba Reddy, Cuddapah ...	1st „	5
19	Bees' Wax	J. H. Brougham, Esq., Salem ...	1st „	5
19	Do.	A. Sunkariah, Esq., Cochin State ...	2nd „	3
	Collection of woods ...	J. H. Brougham, Esq., Salem ...	Special	50
	Collection of gums ...	Do. do. do. ...	Do.	20

SECTION C.—MISCELLANEOUS.

Prize List No. Competing for.	Exhibits.	Names of Exhibitors.	Prize.	Amount.
4	Fresh Butter	Mrs. Robertson, Sydapet ...	1st Prize.	RS. 10
6	Ghee	A. Arathoon, Esq., Nungumbakum ...	1st „	5
	Other Prizes (Orignaloo) ...	Kunta Govindu, Nellore ...	Special.	10
	Do. (Coriander) ...	Pulla Row ...	Do.	2
	Do. (Sarapapoo) ...	J. D. B. Gribble, Esq., for a Ryot in Cuddapah ...	Do.	2½
	Do. (Sugar-candy) ...	Do. do. do. ...	Do.	5
	Do. (Skins) ...	Ramasawmy Moodelly, Madras ...	Do.	20

SECTION D.—MACHINES, IMPLEMENTS, TOOLS, &c.

Prize List No. Competing for.	Exhibits.	Names of Exhibitors.	Prize.	Amount.
1	Stone Mortar	M. Ramasawmy Naicker, Triplicane...	2nd Prize.	Rs. 25
4	Cotton Cleaning Machine	Kunta Govindoo, Nellore	Special.	10
8	Wood Plough, with working parts of iron, for general purposes	Do. do.	2nd Prize.	10
9	Iron cultivator or Grubber	Buchay Reddy, Veeragambaukum	1st „	20
14	Seed Drill	Kunta Govindoo, Nellore	1st „	20
14	Do.	V. Vencatasawmy Chetty, Sydapet	2nd „	10
14	Do.	K. Veera Chetty, do.	3rd „	5
14	Do.	Thennarunga Chetty, do.	Extra.	10
14	Do.	Buchay Reddy, Veeragambaukum	Do.	5
15	Cart for general agricultural purposes	Kunta Govindoo, Nellore	Special.	20
17	Best and most economical arrangements for raising water for irrigation	A. Goorusawmy Moodelly, Sydapet	Do.	50
17	Best do. (Iron bucket)	Buchay Reddy, Veeragambaukum	Do.	10
17	Do. do. (Reciprocating Pecotta)	W. Morgan, Esq., Vizagapatam	Do.	5
17	Do. do. (Double) do.	Do. do.	Do.	5
18	Collection of Implements and Tools	Messrs Oakes and Co., Madras	1st Prize.	100
30	Set of Dairy Utensils	Mrs. Robertson, Sydapet	1st „	30

THE POSITION IN BEHAR.

THE economic condition of Behar invests its position with an aspect fitted to create the justest alarm. A few months ago, an account sent in to Government says of one district—“The condition of the ryot in this part of the country is truly miserable. They cannot (except perhaps the Gath ryot, holding up—“wards of twenty beegahs*)” *save anything from their labour, and they exist on the “barest necessities of life.”* We fear, that this is but too true a description of the mass of cultivators throughout the province; and if it be so we need not say anything as to the prospect before us.

The condition of the “ryot” and the “labourer” is again officially described as follows:—

“Taking the district south of the Ganges first, we have in the sub-divisional officers’ reports the

strongest and most sensational descriptions of the poverty and misery of the ryot. It is strange to find, from the two neighbouring sub-divisions of Behar and Nowada, similarly strong denunciations of the oppression habitually exercised by the Zemindar towards the poorer class of ryot, and of the wretched condition of the latter, when we consider that one of these officers is a Bengalee Brahmin, and the other a Mahomedan of Behar who speaks of a system with which he must have been familiar from his youth. Both speak of the ryots as reduced to a state which only keeps them alive, and leaves no margin for distress or bad seasons.”

“In Gya the agricultural labourer lives really from hand to mouth; and is worse off perhaps than anywhere else in the division. Two seers to three seers of some coarse grain, eaten as suttoo with water twice a day (if fortunate), suffices to support life, and enables him to work.”

The first of these paras. describes the condition of the *ryot*; the second that of the *labourer*. Both alike are in danger of perishing. The *ryot* might, as it seems to us, be saved by empowering him to hold the crops

* The beegah is nearly an acre in Behar.

now on the ground; the *labourer* will then remain, and the difficulty of saving *him* will be overwhelming, and will tax all the powers of the State.

With twenty millions of people to feed, who are in the virtual condition of day labourers, the prospect may well, we say, excite alarm. If matters really are as described in these reports, there is but one measure, we believe, that can avert a very awful calamity, and that is, that we should empower the ryot to hold every blade of fodder, every ear of grain, and every auna of other produce now in the fields.

We know well, how wide is the difference between "irresponsible" counsels like these, and the deliberate putting forth of a manifesto by the head of the State, adopting a course of action the whole responsibility of which will be personally charged upon himself, if it should prove premature or needless. We know also that to many, this advice will seem Utopian, desperate, and we know not what else; but we can only reply that if we were satisfied that the state of matters in Behar is truly described, and the condition of the ryot is such as it is generally understood to be, we should take instant steps to prevent the misappropriation of the standing crops.

If any man can carry the provinces through such a crisis as threatens us, we believe it is Sir George Campbell, if he have full powers to deal with the emergency as may seem necessary to him. Armed with these powers, we think, he should be ready at any moment to suspend all civil suits for rents or advances in the threatened districts. There would be no cancelment of debts, no confiscation of rights, but simply a necessary, just, inevitable suspension of their exaction. And this measure would probably save the mass of the ryot population at a stroke, leaving the *labouring* classes only upon our hands. We may possibly save that class if it stand alone, but we shall never save ryot and labourer too.

It is almost needless to point out that where we are likely to break down, is in the distribution of the food reserves in the province. We have had this subject constantly before our mind for years, and have long seen clearly that the only effectual protection a people, so situated as the agricultural masses of India, can have against famine, is the habitual possession of individual hoards of grain sufficient to tide them over the failure of two successive seasons. The instinct of the people has of itself taught them this; and so deeply has the dread of famine burnt itself into their minds, that a well-to-do ryot is never at ease, unless he has a full year's supply of grain in his own house for the sustenance of his family. In the Eastern districts the ryot, whenever he has the means of

doing so, keeps *two years'* supply of rice under his own hand, and will on no account trust to his power of purchasing grain of the mahajun or dealer in such crises. That which we have ever set before our own mind as the proper aim of our rule concerning the land, is the elevation of the agricultural class throughout India into a peasant proprietary, holding their food reserves in their own hands, and able, by means of those reserves, to tide themselves and their children over seasons of drought and famine, altogether independently of the mahajun.

There is nothing Utopian in this, nothing unattainable; and our writings for the last twelve years have all been directed to its accomplishment. That which makes famine so terrible in India is the poverty of the ryot. Partly through improvidence, but more largely through the oppressions of the Zemindar and the mahajun, we find the class in some of the most densely-populated parts of the country, as in Behar, reduced to the condition of the agricultural labourer of our own country. A few years ago, it was the fashion to maintain that the only way to meet famine was to revolutionize the land system of the country, confer an absolute proprietary right upon a small landlord class, substitute large farms for the *petite culture* of the provinces, and reduce the masses to the position of agricultural labourers. The late Colonel Baird Smith, at the very moment when he was showing that it was the labouring class that suffered and died in the famine of 1861 in the North-West, was so dominated by these views as to advocate them in the very report that showed how fatal such a revolution must ever be. The error was as clear to us then as it is now, and has ever been. Concerning the Orissa famine, we wrote in the *Times of India* in 1866:—

Were it possible for Bengal to suffer such a drought as has afflicted Orissa, not all the power of the empire could save the masses of its agricultural population from perishing of starvation. Food might exist at the very gates of the province, while the plains of Bengal would be whitened with the skeletons of starved men and children, from the sheer impossibility of any organization that could be devised for distributing that food. In 1846 it was found impossible in Ireland, even at the very doors of wealthy England, to save two or three millions of our fellow-countrymen from perishing of starvation: what in similar circumstances would be our chance of saving the twenty-five millions of paupers in Bengal? It is amazing that considerations of such magnitude can be lost sight of by those who desire to see the Permanent Settlement everywhere, and who avowedly regard it as one of the chief recommendations of that settlement that wherever introduced it will tend to reduce the peasant cultivator to the condition of a day labourer, and to concentrate the soil in few hands. Safety lies in the discouragement of all measures with so fatal a tendency in them. A flourishing

peasant proprietary with small accumulations, will pass any period of drought comparatively unharmed, where mere labourers are in danger of perishing to a man. It is our full conviction, based upon the known condition of the ryots of this Presidency (under thirty years' leases) that were a period of severe drought to overtake them, there is no reason to apprehend any very severe suffering among them; while there is no province of the empire that has half so much cause to dread the occurrence of such a season as permanently settled Bengal.

We have a population of indefinite magnitude to carry through the next nine or ten months with a food reserve of doubtful sufficiency; a part of it *fortunately* on the ground uncut, and the remainder in the hands of the mahajuns and dealers. Over the latter we have no control, nor have the people any. The reserves, instead of being in the hands of the people themselves, are in the hands of a small class of men who, without being in any way worse than other men, will regard this calamity primarily as an opportunity for enriching themselves. Many of them, no doubt, will be kind and charitable, but it is idle to expect them to give their grain away, or to sell it below the rates that must prevail. *There remain the crops on the ground.* What are we going to do with them? They are mortgaged universally; and the whole of these crops will be divided within a few weeks between the Zemindar and the mahajun, unless we interfere and stay their hand. We say boldly that we would prevent that division. We would suspend all collection of the land revenue, and simultaneously the payment of rents, and the execution of all contracts for the delivery of produce. We are in one of these extremities in which nothing but decisive measures will save the people. If we allow the crops now on the ground to go into the hands of the Zemindar and the mahajun, the fate of the people will, we fear, be sealed; unless a machinery for redistributing these crops amongst the people should drop from heaven upon us. If we empower the people to hold the crops now in the fields, suspending all suits for rent against them, or for delivery of produce, they may be saved. We shall then have placed in their hands reserves that will carry them, we may hope, through the famine, without suffering its last horrors; but if we allow the crops on the ground to go into the hands of the dealers, our own belief is that multitudes will perish. The measure is simply one of justice to the people, and is, we believe, absolutely necessary. It is only of the same order as the bold, but enlightened action of the French Government the other day in suspending all actions upon Bills of Exchange during the war. In spite of the jealous and peremptory views held in the commercial world as to the payment of acceptances, the Government suspended all actions

thereon until the close of the war. The suspension lasted nearly a year in all; and, exceptional and revolutionary as it seemed, French commerce was saved thereby from a general bankruptcy.

In the same way, we would now suspend all collection of the land revenue in the threatened districts, and simultaneously all recovery of rent and advances on account of crops. By taking these measures while the cold weather crops are yet uncut, we should put into the ryot's own keeping the means of passing through, comparatively without harm, the terrible time coming upon him. What can be more cruel, in an emergency like this, than to allow the ryot's harvest to be seized and divided before his eyes amongst men from whom he knows he will have to buy it back as bread for his starving family at any price that may be demanded for it, when he has no money in his hand to pay for it? The crop is primarily *his*; and he should be allowed to keep it. It would be an abnegation, it seems to us, of all governmental, of all human responsibility, to allow its customary *misappropriation* to take place now. Once out of the ryot's hands, not all the power of the State will enable us to redistribute it.

As to the opium crop we would see Government announce that in consequence of the drought it will forbear the exaction of the advances that have been made on account of the poppy, and will pay the ryot in full for the produce he brings in, carrying the advances over to another season. We may put new heart and new life into the people by measures leading them to look with confidence to the future, now shrouded in gloom and despair. It is a degradation to talk about the cost of such measures. Suppose they cost five, ten, twenty millions. We are prepared to spend a hundred millions when the necessities of war require such efforts for the common weal; and there is immorality in weighing measures required to save human life in the scales of the money-dealer. We have hitherto let the people die by multitudes, because we have not had the resolution to spend upon saving them a tenth of the sum which we spent the other day in Abyssinia for rescuing half a dozen Europeans from captivity. The errors which have marked our treatment of these calamities have been most painful.

We make no claim whatever to originality in these views. The remedy was clearly discerned by Mr. Rose in the North-West after the events of 1837-38, and as clearly described:—

"One of the errors of Government," he wrote, "was in not being sufficiently explicit and early in making known to the people the extent of negative relief intended to be granted by means of remission of revenue."

"It is true little or nothing was collected by Government until the rubbee harvest was ripe, and the people were early told that they were to expect leniency; but the Collector, unfortunately, could not tell them what amount of remission it was intended to allow and whilst he was prosecuting his inquiry; to determine that point, the malgoozars never before having experienced or ever heard of such sweeping remissions as were ultimately granted, and expecting in their most sanguine hopes nothing beyond a remission of ten or twenty per cent of the revenue, continued to press their ryots for their rents,—thus driving away thousands who, if unmolested, would have remained in their villages, and by means of artificial irrigation would have raised a sufficient rubbee crop to subsist on."

"Should, therefore, the country be ever again visited with a similar calamity, I would recommend, as a first step, that the total suspension of all demands for the November and December instalments be proclaimed, provided the malgoozars adopted the same course towards their cultivators; and that the duty of the Tahsildar and Collector should for the time be limited to ascertaining how far the malgoozars adhered to that provision, and taking, of course, when they deviated therefrom, a fair proportion of the rent exacted by them from the cultivators. When the rubbee harvest came into the market, there would be ample time to commence to determine what each mehal should pay; nor is there any danger that such a course would cause undue loss of revenue. The scramble between the Malgoozar and Tahsildar to forestall each other in getting hold of the rents would cease, and instead of a desire to exact all he could out of the ryot, the Malgoozar would be impressed with the conviction that the lighter he dealt with his cultivator the more leniently he himself would be treated by the Government."

The ryot of Behar is in the condition of the North-West ryot in 1837 as described by Mr. Girdlestone: "In the time of drought he has not the usual means of commanding money, just as the system under which he lives precludes the possibility of saving. If he is a hired labourer, the Zemindar has no need for his services so long as the land is too parched for sowing to be effective. He, therefore, stops his wages and casts him adrift. If he is a peasant proprietor—only a step removed in point of worldly wealth from the ryot—the advances on which his crop would be raised are not forthcoming. The banker, of course, obstinately refuses a loan when there is little or no chance of the seed germinating. To add to their troubles, the peasantry of India have

not the means to lay by sufficient of the grain that they have produced in one harvest to feed themselves till the next. Their whole crop is generally delivered to the dealers at prices much lower than those current in the market, and immediately afterwards they begin to draw supplies of the same grain at prices much higher than those of the day. The relation between the dealer and the labourer is, in fact, similar to that which exists between the money-lender and the landowner. It is founded on that disastrous principle of advances which bids fair to cripple the energies of the country for ever. A sudden incentive to the production of some particular commodity—as, for instance, the impulse which high prices gave recently to the cultivation of cotton—may serve to free whole communities from the burden of hereditary debt; but nothing short of this will avail. The lower classes of the people are ruined by the extortionate demands of their task-masters, and yet are so deeply involved that they have no alternative but to submit. They are utterly at the mercy of the creditors, to do and to will as they please. So long as times are favourable, they live on from hand to mouth, without the power of taking precautions against future calamity, and at length, when the storm breaks, many succumb without a struggle, for they have not an atom of property to call their own."—*Indian Economist*, November 29, 1873, p. 88.

ACCLIMATIZATION OF CAROLINA RICE.

As some very strange comments have been made by a part of the press upon an official note on this subject circulated by the local Government, we reproduce it *in extenso*, as the matter is important and of considerable interest:—

Note.—The importance of the attempt to substitute the cultivation of Carolina rice for the indigenous paddy seems hardly as yet generally understood in Bengal. The rice plant is not indigenous to America, but was introduced from the Old World, India and China being the natural habitat of the grain; but so great has been the improvement effected therein by careful cultivation in the virgin soil of the States, that the normal price of Carolina rice in the European markets is nearly three times that of the best Patna. Rice, in its natural state in the husk, is called *paddy*, and the varieties of the Indian grain are almost innumerable. That which is exported from Bengal generally goes by the name of *cargo rice*. It is sweet and large-grained, but is of a coarse, reddish cast, and is not kiln dried, but parboiled in earthen pots, partly to destroy its germinating power and partly to facilitate

husking. Patna rice is more esteemed in Europe than any other of the Indian kinds, but it is small-grained, though remarkably white. It will bear no comparison, however, with the rice of South Carolina, the superiority of which is sufficiently attested by the fact that it sells in London at 35s. to 36s. per cwt., when Patna will not command more than 14s. to 15s.

A great physiological change in point of fact has taken place in the plant in the course of its cultivation in Carolina, so that whereas the Indian rice is a surface-feeding plant, throwing out short roots laterally, seldom or never piercing the soil three inches deep, the improved Carolina variety throws a straight, vigorous root, six or eight inches deep through the surface into the sub-soil. The result is that while country paddy will live and thrive upon two or three inches of surface soil in good condition, the Carolina variety pines and fails, unless the tillage has reached the sub-soil and brought it into a healthy condition. A soil in a bad physical state, with but a healthy surface of two or three inches, will produce fair crops of country paddy, but no harvest of Carolina. To introduce Carolina rice successfully into Indian husbandry, therefore, there must be systematic and sustained effort to improve the depth of the tillage, with drainage of the sub-soil possibly, also. We have abundant proof that this rice will produce as luxuriant crops in India as in Carolina itself, with a sub-soil in healthy condition; and when we remember that it commands nearly three times the price of the Indian staple, and that the yield per acre is indefinitely greater, the importance of the effort to introduce it into India will, it is believed, be more generally understood.

The statement frequently appears in the history of our attempts to acclimatize this rice, that the people would not eat it even if they could grow it. I take the liberty to doubt this; but were it even true, and the grain grown for export only, the experiment is of great importance. The people do not eat jute, but they are glad to grow it for all that. The opinions expressed as to the quality of the straw are of almost endless diversity. According to some, the straw is superior as fodder to that of any indigenous paddy whatever; according to others, inferior to that of the worst. According to some reports, it is admirable for thatching purposes; according to others, it is almost worthless for such uses. Now, all this, as it seems to me, simply shows that there has been no systematic, sustained, and careful effort in what we have been doing, combined with watchful observation of the results of every mode of cultivation upon the grain itself, and then upon the straw. The long record of failures from drought, inundation, blight, wild animals, birds, and insects may be dismissed

with the remark that the league which the birds of the air and the beasts of the field, and the very elements themselves, seem to have made against the experiment simply show how feebly we have conducted it. The marked preference for this rice shown by birds and insects and vermin, over the indigenous kinds, is strong presumptive proof that the grain is worth the attention of man himself. I believe it will be generally found that birds and rats are not bad judges of the quality of food-grains.

The great fact it is necessary to mark with care, is the fact that the American mode of cultivation is entirely different from the Indian. The Carolina seed that comes to us from America is the product of a very peculiar mode of cultivation, to which the seed has been accustomed for probably 200 years. The rice is sown in the States in rows, in the bottom of trenches about 18 inches apart. The trenches are filled with water to the depth of several inches till the seed germinates, when the water is drawn off. Shortly afterwards the fields are again flooded for rather more than a fortnight, to kill the weeds; and they are flooded once when the grain is near ripening. Now, this mode of cultivation is entirely different from the Indian, and although its peculiarities were brought to the notice of the Government several years ago, I cannot find the record of a single attempt to cultivate the plant in Bengal in the same way. So far back as 1869, Mr. Kitteridge, the American Consul at Bombay, supplied the Government of Bombay with the following short note on the subject:—

“Rice is sown in Carolina in long drills, “made by hoes (machinery does not work well) of about one foot deep, drills one foot apart, two bushels to an acre. Water is let on as soon as the rice is three inches high, and is kept under water; that is, the water is kept to within two inches of the top until (rice) is about four inches high; it is then drawn off and the weeds taken out; after this the water is let on again, when it begins to head; the water must be allowed to rise just below the head (that is, the point where the kernels grow). The water must be high enough to keep the stem steady in case of wind.”

This memorandum was forwarded by the Government of India to the Government of Bengal, under date, Simla, 30th June 1869, No. 367, and a copy of it was forwarded to the Board of Revenue for information by No. 2,518 of 15th July 1869. I cannot find, however, that a single attempt has been made to cultivate the seed in this way. Instead of taking these instructions as a guide to be followed as closely as possible, they seem to have been ignored altogether, and the cultivation of the new and peculiarly educated plant attempted

in methods wholly foreign to the treatment under which it had been produced in America. We have sown it broad-cast and in nurseries, on high land and low land, on wet land and dry land, and in every conceivable way but the one in which we were *told* to sow it, namely, the way to which it had been accustomed during two hundred years of cultivation. The reports from the Board of Revenue of the results of the experiments made with the 20 barrels of seed distributed last year are of the same order as all preceding reports. The seed was received and sent to the Board of Revenue, and by it distributed all over the country; and instead of looking for success in the way of concentrated, careful efforts year after year upon the same spot, we have hoped that by widespread, isolated, desultory sowings, success might "turn up" somewhere.

The 100 barrels received this year from the Secretary of State costing a large sum of money, have been distributed in the same way, and I fear that we might as well have sown them in the Hooghly for any practical good that will result. Mr. Kitteridge's instructions show that the water with which the rice is flooded must be under control, and the suggestion naturally arises that the vast canal systems which the Government has constructed at immense cost in various parts of the country—the Soane Canals, Midnapore, and Cuttack—supply us with the means of attempting the acclimatization of the plant, under conditions of cultivation similar to those which have produced it in America. Indian rice lives on the rain-fall; Carolina, on irrigation; and this fact opens up to us an interesting and possibly valuable field of experiment in the neighbourhood of the canals, upon which the State has spent so many millions.

Resolution.—The Lieutenant-Governor is much obliged to Mr. Knight for this note, and directs that it be circulated through the Board of Revenue to all officers and private gentlemen who have undertaken the cultivation of Carolina paddy in this and past years. Collectors will be requested to cause verbal instructions to be given to ryots, mouzadars, and Zemindars, who may undertake experiments. The Lieutenant-Governor is not sure that the experiments heretofore made have altogether been barren of result; for out of the 107 cases reported by the Board, 32 are said to have been successful, 62 doubtful, and 13 wholly unsuccessful. Many of the doubtful cases, however, were very nearly failures. In some of the successful cases, it was established that Carolina rice yields more than one crop from the same stalk.

It is, however, quite clear, that the proper mode of cultivating this rice was not sufficiently

known; and it is probable that its high market value is not generally known. It may possibly be that in America the rice is raised of a fine quality by a quasi-garden cultivation, and sells higher, just as garden potatoes sell higher than field potatoes. From the description of the Carolina cultivation it is evident that an artificial supply of water is necessary. The crop should be tried on our canals. If it turns out that with command of water we can really raise a rice very much more valuable than ordinary rice, we may save millions now sunk on canals. In that view the question is of immense importance. Mr. Knight's figures regarding the price of Carolina rice are taken from price-currents of some years back; the Calcutta merchants to whom reference has been made not being able to state the present price of this rice. Reference has been made to the several American Consuls in India for information regarding the price of Carolina rice, and the Government of India has been asked to favour the Lieutenant-Governor with any available information upon the point. If the price of *ordinary* unselected Carolina rice in Europe turns out to bear towards *ordinary* unselected Indian rice a different proportion to that stated in the 1st paragraph of Mr. Knight's Note, further detailed information upon the subject will be circulated. Meanwhile the Lieutenant-Governor does not desire to delay to place Mr. Knight's Note in the hands of persons conducting this year's experiments.

Replies have not yet been received from all the gentlemen to whom reference has been made, but the Secretary of the Calcutta Chamber has been good enough to forward to Government the following valuable note on the price of Carolina and Indian rice, respectively, in the last twenty years:—

"As the Chamber's files do not extend further back than 1854, the Committee regret they are unable to give the statistics for the four preceding years. Statement No. 1 exhibits the quantities, values, and average prices of rice imported into the United Kingdom from the United States and British India from 1854 to 1871, inclusive. The figures have been taken from the Trade and Navigation Returns of Great Britain for each of those years.

"Statement No. 2 exhibits quotations for Carolina and Bengal and Burmah rice for the last week of the months of June and December of each year. These figures are taken from the *London Economist*. These two returns will, the Committee believe, afford all the information you require as to the home values of American and Indian rice. The quotations are, of course, general, with large fluctuating margins to cover the values of various qualities,

but they are probably sufficient for your purpose.

"The Committee concur in the belief you express that the growth of Carolina rice for export has ceased, and they are inclined to attribute this falling off to the large imports of rice from Bengal and Burmah and the comparatively lower values at which the Indian produce can be placed in the home markets, as well as to the more extended cultivation in America of cotton, tobacco, cereals, and other articles yielding a more profitable return. Upon this point, however, they suggest a reference to the Statistical Department of the Government of India in London, which will no doubt be in a position to give the fullest information."

No. 1.

Rice imported into the United Kingdom from the United States and East Indies (Bengal and Burmah) from 1854 to 1871, inclusive.

Years.	United States.	Average price.	East Indies.	Average price.
	Cwt.	S.	Cwt.	S.
1854...	20,383	20.0	1,263,380	14.0
1855...	13,853	29.0	2,157,044	14.6
1856...	60,864	25.6	3,544,215	10.6
1857...	56,764	24.6	3,159,420	11.3
1858...	46,771	21.6	3,578,748	8.10
1859...	51,600	21.1	1,244,390	10.9
1860...	69,932	23.4	1,314,811	13.0
1861...	Record wanting.	.....	.....	.....
1862...	38,421	36.0	3,812,670	11.10
1863...	1,696	36.1	2,958,228	11.11
1864...	None.	.....	2,707,112	11.6
1865...	42,537	34.0	1,306,290	13.3
1866...	3,402	32.4	1,835,616	13.3
1867...	9,505	39.6	2,335,692	14.7
1868...	None.	.....	3,582,563	12.7
1869...	17,843	30.0	3,009,584	11.5
1870...	4,650	28.0	3,060,769	10.11
1871...	None.	.....	3,690,111	10.1

No. 2.

Quotations from the "London Economist" in the last week of June and December of each year from 1854 to 1872, inclusive.

Years.	CAROLINA RICE.		BENGAL RICE.	
	Price in June.	Price in December.	Price in June.	Price in December.
	Per Cwt.	Per Cwt.	Per Cwt.	Per Cwt.
	S. S.	S. S.	S. S.	S. S.
1854...	21 @ 37	24 @ 38.6	10 @ 13.6	11.6 @ 16.6
1855...	24 ,, 46	28 ,, 46	12 ,, 15.6	14.6 ,, 17.6
1856...	25 ,, 45	25 ,, 45	10 ,, 15	9 ,, 13.6
1857...	25 ,, 40	20 ,, 36	10.3 ,, 14	7 ,, 11
1858...	20 ,, 36	18 ,, 36	6 ,, 11	6.6 ,, 13
1859...	20 ,, 36	20 ,, 36	8 ,, 14	8 ,, 14
1860...	22 ,, 36	22 ,, 34	9 ,, 15	10.6 ,, 15.6
1861...	24 ,, 34	25 ,, 35	9 ,, 15	10 ,, 16
1862...	28 ,, 40	35 ,, 46	7 ,, 16	8.6 ,, 14
1863...	30 ,, 46	30 ,, 46	8 ,, 15	7.9 ,, 16
1864...	35 ,, 46	35 ,, 46	8 ,, 14	9 ,, 14
1865...	35 ,, 46	35 ,, 46	9 ,, 16	10 ,, 17
1866...	35 ,, 46	35 ,, 46	10 ,, 16	11 ,, 19
1867...	35 ,, 46	.....	11 ,, 18	10.6 ,, 18
1868...	No quotations		8 ,, 16	8.9 ,, 16
1869...			7.3 ,, 14	7.6 ,, 14.6
1870...			8 ,, 13.3	8 ,, 13
1871...			8.6 ,, 13.3	8.6 ,, 13
1872...			8 ,, 14	8 ,, 14

(Signed) H. W. I. WOOD,

Secretary.

Sir George Campbell has directed that an expression of his acknowledgments be conveyed to the Chamber and to Mr. Wood for the valuable information thus furnished, and Mr. Wood's letter has been sent to the Board for communication to the officers and gentlemen engaged in Carolina rice experiments.—*Agricultural Gazette of India*, November 29, 1873, p. 90.

THE REVENUE REGISTER.

No. 7. MADRAS:—WEDNESDAY, JULY 15, 1874. [VOL. VIII.]

A RYOT'S ESTATE.

—♦♦♦—

THERE has been a tendency in the later judgments of the High Court to uproot the old notion that the ryot was after all the real proprietor of the soil, the Government of the country, or the middleman interposed by Government between themselves and the ryot, being only entitled to receive a share of the profits of the land in the shape of assessment or rent. Of course we are aware that, in many instances, there are cultivators who are mere tenants-at-will, or at least tenants whose tenancy is determinable at the end of each revenue year. These are chiefly *payakuries* and *paracoodies* brought from outside by a proprietor, for the purpose of working his land: even these, however, may in time acquire proprietary rights which it will be no easy matter to determine. But we have been puzzled a good deal by expressions used by the Judges in giving judgment in R. A. 26 of 1871, *Krisnien and others v. Vencatachella Moodelly and others*, VI, *Revenue Register*, 157—not that we object to the decision at which their Lordships finally arrived, the principal feature of which was that Government have the right to regulate the supply of water from public sources of irrigation; but we venture to think that

some of the reasoning on which that decision was based was novel at any rate, if not altogether without foundation. Their Lordships, Mr. Justice Innes and Mr. Justice Kernan, who decided the case, delivered separate judgments. In one part of his judgment, Mr. Justice Innes is reported to have said—"It is elementary law that an " easement cannot be claimed in respect of " a tenement but by the owner of that tenement, and plaintiffs are *in no sense* owners " of the village lands or of *any portion of " the village lands in respect of which they " claim this right.* The plaintiffs are *tenants " from year to year*, and, though custom or " contract may practically attach to each " several tenancy the incidents of a permanent holding, defeasible only for non-payment of the assessment which may " from time to time be imposed, they have " *nothing approaching to an absolute estate " in the land, &c.;*" and throughout both judgments, *i. e.*, the judgments of Innes and Kernan, J. J., the plaintiffs are spoken of as *mere tenants from year to year*, and the Government as their absolute landlord.

Now in this case the plaintiffs claimed to be the shareholders of the villages of Arialore and Kurivikudi, while the principal defendant was described as the sole mirasidar of the village of Pertikal. Mr. Justice Innes further observed that the

well known case of *Ponnusami Tévar v. The Collector of Madura*, III, *Revenue Register*, 303, 'has no analogy to the present case, because the plaintiff in 'that case was the proprietor of the 'tenement in respect of which he claimed 'the easement;' the fact being that Ponnusami Tévar was no more a proprietor of his village of Puvandi, than was the principal defendant in the case under notice, who was described as the sole mirasidar of the village of Pertikal. We have italicised the words to which we wish to draw attention; for though not exactly in the case of Ponnusami Tévar, we observe that a vast distinction is made between the position of a Zemindar holding under a Sunnud and that of a ryot holding under a puttah. Yet we venture to doubt if the immemorial custom of the country (which is practically the common law of India) recognizes any such great distinction. In conferring a sunnud on a Zemindar the Government in most cases merely authorized him to collect the assessment from a specified tract of country, and could not confer on him any other rights of which he was not possessed before, nor deprive the ryots committed to his charge of any of the rights of which they were possessed before. To return to Ponnusami Tévar's case. Unless the ryots of his village had a right to the whole of the water as claimed by him, we cannot understand how he acquired the right to it. In our humble opinion he was entitled to the beneficial use of the water for irrigation, just as the plaintiffs in the case to which we have first referred were held to be, and had no more right to prohibit improvements in irrigation than they would have had, so long as no actual damage was done to his property.

To go back to the case of Zemindaries as to proprietary rights, to which so much importance has been recently attached, we cannot understand what great

difference there is between the property conferred by a sunnud and that conferred by a puttah, except that, in the former case the assessment is fixed *for ever*, while in the latter case it is liable to alteration on certain fixed principles, and (in the case in question) after thirty years. Both confer a right of permanent property so long as the assessment (which very seldom indeed amounts to a rent-charge) is paid regularly, and both are equally determinable at once on failure of payment. The only difference, therefore, in the nature of the property seems to be that the Zemindar's rent (as the High Court would call it) is lighter than that of the ryot. But it may be doubted whether, on the whole, his position is more favourable, for in addition to the obligation to pay his assessment regularly, he enters into several other stipulations, and is even expressly bound 'to treat his ryots with tenderness,' and may forfeit his estate at any time for default in that respect also; whereas the ordinary ryot, holding under a simple puttah, can treat his land or his tenants (if he has any) exactly as he pleases, and cannot by any possibility be ousted, except for failure to pay his assessment, or under the Act for the acquisition of land for public purposes. It seems to us, therefore, to be an erroneous employment of words to say that such a proprietor is a 'mere tenant from year to year,' and 'possesses nothing 'approaching to an absolute estate in the 'land.' He does in fact possess the land absolutely, subject only to a land tax, the first principle of which is that it shall never amount to a full rent-charge; and there are surely very few landed proprietors who are not liable to a land tax. The whole confusion arises from the English habit of looking upon the Government as a landlord in the English sense. It would be more correct in our opinion to regard the

Government and ryot as *joint-proprietors*. It is not correct to say that a ryot has nothing approaching to a permanent estate in his land, when it has descended from father to son from generation to generation; and when what the (Government theoretically) claims is a fixed share of the produce, which share, unless the Government is a tyranny, always bears so small a proportion to the whole, that it may certainly be paid without danger of oppression, if the ryot is ordinarily prudent.

We believe that it has been ruled by the Board of Revenue, or perhaps by the High Court, that 'a *puttah* is not a 'muniment of title, but only evidence of 'holding;' but the exact converse of this has long been established as more nearly approaching the fact; and it needs no argument to prove that a *puttah* is the *original* title to all ryotwari land. That all immemorial waste land in ryotwari districts is at the absolute disposal of Government as landlord is not disputed; but when once a *puttah* is given to a ryot, Government parts with its absolute estate, and becomes entitled, by the common law of the country, to a fixed share of the produce, which share is commuted from time to time into a money payment, called the assessment. But the assessment is *not* a rent-charge, and a ryot is *not* a tenant. On the contrary he is very often nothing but a middleman, and lets his land to tenants of his own, who (very likely) pay the full rent of the land. It will be observed that we are far from questioning the propriety of the High Court's decision in the case which we have made the text of our observations. We only object to the language used in describing the relation subsisting between the *ryot-proprietor* and the Government; but apart from this language, the reasons assigned by the Court are conclusive; for the right of the ryot-proprietors to water for irrigation may well be limited to the *enjoyment* of the

water for irrigation and other purposes *as usual*, and they are sufficiently protected by the ruling that they are not to be injured by the regulation of water for irrigation. So far from being dissatisfied with the judgment as a whole, it is most satisfactory to us to find it expressly laid down that 'Government have the right to regulate the distribution of water to its ryotwari villages *so long as they do not prejudice them*' the 'tenants' (so called). We could only wish that the same rule had been laid down in Ponnusami Tévar's case. We hope to return to this subject, and to state our views more fully as to what is a *puttah*, and what are the properties attaching to a *puttah*; but meantime we shall be glad if our remarks provoke a discussion on the question, so that our own views may be shaped by the light of the information that may be thus placed at our disposal.

HIGH COURT—MADRAS.

HOLLOWAY AND INNES, J. J.

Suit for injunction against Collector—Power of Government to control irrigation.

The villagers of Padarapuliyur sued those of Chendur, and the Head Assistant Collector for the cancellation of an order made by the latter ordering plaintiffs' calingulak to be lowered. The Civil Judge found that the Revenue authorities, as representatives of Government, had power to control irrigation.

HELD PER HOLLOWAY, J., *that if there had been any violation of a contract by the landlord (Government) or the tenants, an action would lie for damages; but in this case there was no contract, no prescription, no evidence that plaintiffs had sustained any injury.*

PER INNES, J. *Without departing from the principle at VII, II. O. R., 60, there is no proof in this case that there was any diminution of supply.*

R. A. 133 of 1872.

Venkata Reddy and others v. A. Lister, Esq., Head Assistant Collector of South Arcot, and eighteen others.

THIS was an appeal from the judgment of Mr. R. B. Swinton, Acting Civil Judge of Cuddalore, in O. S. 6 of 1871. Plaintiffs sued for

the cancellation of the order of first defendant, lowering the calingulah in their tank-bank, and to restore the calingulah to its former state. The facts of the case appear from the following extracts from Mr. Swinton's judgment:—

"The plaintiffs, who are seven, of the cultivating inhabitants of the village of Padarapuliur, in the Tindevanum Taluk, have brought this suit against sixteen cultivating inhabitants of the village of Chendur (plaintiffs meaning, I think, to represent their village community, and to set down the defendants as representing that of Chendur) and against Mr. Lister, the Head Assistant Collector in charge of that part of the district, and Mr. Graham, the Assistant Engineer; no special cause of action is stated against the ryots; but the object of the plaint is in effect to have cancelled by the Civil Court an order made by the Head Assistant Collector, and confirmed upon appeal (by defendants) to the Board of Revenue, the Collector of the district having in the meantime reversed it, that the calingulah, or outlet sluice, in the plaintiffs' tank-bank, should be lowered; the plaintiffs assert that by so lowering the calingulah, the water-supply in their tank is diminished so as to hold only three-fourths of the water it ought to hold, and that they have a right that their water should spread back over 143 cawnies of the land of Chendur. The first and second defendants answered that the Government were entitled to make what alteration they considered useful and beneficial to all concerned, and that the order of the first defendant was necessary to correct encroachments by the ryots of the plaintiffs' village. The defendants 7 to 19 answered that the plaintiffs still had sufficient water for their cultivation, and that the order was right and proper. The other defendants, but 12 and 13, put in a separate answer to the effect that their cultivation was damaged by the water being kept back by the high calingulah, and that if it were lowered, the plaintiffs would have enough water. The twelfth and thirteenth say they have no connection with the lands. The plaintiffs filed a copy of Mr. Lister's order of the 12th September 1868. A copy of the decision of the Collector in what the Collector terms Revenue Appeal Case No. 41 of (Fusly) 1278 cancelling the order of the Head Assistant Collector. An extract from the Proceedings of the Board of Revenue of August 5th, 1869, directing that Mr. Lister's arrangement should be carried out by the professional department.

I found that the issues had been settled and the evidence in this case heard by my predecessor, the third issue being 'whether the first and second defendants, as agents of Government, are vested with any authority, and if so, to what extent, to regulate the supply of water for the purposes of irrigation;' and this being a matter of law, the question of my settling the

case, if able to do so, upon the former evidence, was not raised, and the pleaders were directed to confine themselves to it.

The only decision pointed out (by the plaintiffs' pleader) was that in the case of *Ponnasamy Téar v. The Collector of Madura*, Madras High Court Reports, Vol V, page 6, but it was found not to apply to two common ryotwari Government villages in which the repair and construction of the irrigation works were completely under the Collector and Engineer; from a portion of the judgment (that at the bottom of page 19) it may be inferred that what is termed the arbitrary power of Government could in such a case be maintained; and of all cases most suitable for the exercise of the authority and discretion of the Revenue authorities, this appears to be one, the regulation of the waterspread behind one tank-bund so that it should not reach back upon the irrigated land behind it in juxtaposition and belonging to another village. Neglect or inability of the cultivators of the area of land originally supposed to be under a tank or channel, might encourage those in front to increase their waterspread by lengthening their embankment or raising it, or they might do so finding the level of their tank being raised by deposit of silt. Or *vice versa*, those behind might take advantage of a lessened waterspread in front to extend their cultivation, although they may have been originally an estimate of what the area under each tank ought to be, as these works are in propinquity, I believe in practice, they are extended and altered to suit natural causes, or the necessities or abilities of the people to cultivate; and the Collector and the Engineer of the district have always superintended this upon the complaint or representation of either party.

The plaint does not allege any breach of any regulation against the revenue officer; it is more as a regular appeal to this Court against the decision of the Board of Revenue, for which both parties were contented to wait.

Their remedy, if they have a wrong, would be now to apply to Government; whether the actual revenue is increased or diminished by the change made in the calingulah seems to me utterly immaterial; the dispute is essentially one between the two villages.

How far Government can exercise its functions without having a law made to enable it to do so, is a nice matter, but in this case it appears to me that it was so unquestioned that the Revenue authorities had always decided such matters that no precise law was thought necessary. Regulation XII of 1816 in the preamble laid down that the determining in the Udalut of the zillah of suits respecting the cultivating and irrigating of land, as between proprietors or renters and their ryots, was inconvenient, and required Collectors to refer them to panchayut, and presumably

to decide those they did not refer, but these people of both villages are proprietors or ryots, and Section 18 of Regulation I of 1822 which extended the provisions of Regulation XII to all disputes between ryot and ryot was repealed by Act VIII of 1865 as if the object of that Regulation I of 1822 had only been to recover rent, and nothing has been provided but some Magisterial powers in the Criminal Procedure Code.

My finding upon the third issue is that the Head Assistant Collector and the Revenue Board had power or jurisdiction over the irrigation of both villages, so that their order to lower the calingulah cannot be questioned in a Civil Court; there is no separate or any cause of action against the other defendants; and the suit is dismissed with costs."

From this decision plaintiffs appealed to the High Court, on the ground that the Government had no such power in the matter of irrigation as the Civil Judge imagined; that they had long maintained the calingulah at a greater height than that now allowed by the Revenue authorities; that the lowering of the calingulah is calculated to cause serious loss to plaintiffs.

The High Court delivered the following

Judgment:—15th April 1874.

PER HOLLOWAY, J.—This is an application by tenants from year to year to prevent practically by injunction any alteration in a calingulah, which has existed for some time. It is unnecessary to advert to the difficulties, which would lie in the way of granting it, on account of the relief sought being much more extensive than could in any circumstances be granted, because I am of opinion that the case has not a single ingredient, necessary to the granting of such a remedy. I am unable to understand upon what ground the right is put. It cannot be upon prescription. It does not stand upon express contract, and from a letting from year to year it is impossible to imply a term as against the lessor that he will for all time leave unchanged, not only the object let, but everything how remotely soever connected with it. I am unable, therefore, to see any clear legal right which could have been violated by the acts of the landlord's agents. If it were otherwise, the case must fail, for there is not a particle of evidence that, if the changing of the state of things were an injury, it is one which could not be compensated by damages. In my judgment the case of plaintiffs fails on all points, and should be dismissed with costs. The original judgment put the right of the Revenue Board upon the executive authority of the Government, and with that doctrine we were unable to agree. If the acts had proved any violation of a contract by one of the contracting parties, we might have retained the

suit and given permission to bring an action for damages.

PER INNES, J.—Without at all departing from the principles upon which my judgment proceeded in the case reported at page 60 of Volume VII of the High Court Reports, I am satisfied that the evidence in this case does not show any diminution by the agents of the landlord, the Government, of the supply of water below the quantity to which plaintiffs are entitled for the purpose of carrying on their cultivation as heretofore. The appeal must be dismissed with costs.

MORGAN, C. J., AND KINDERSLEY, J.

Tender of puttah after expiry of fusly.

Where a landholder neglected to tender a puttah during the current fusly, but subsequently made the tender, and the question arose whether he was barred, not having tendered during the fusly—

HELD, that a landholder was bound to give, or tender, a puttah within the fusly.

Referred Case 10 of 1873.

Vencatasami Naick v. Setupati Ambalam.

THIS was a case stated by Mr. Hutchins, Acting Civil Judge of Madura, under Section 28, Act XXIII of 1861, in the following terms:—"This is a suit for rent brought by the lessee of the Shivagunah Zemindary against a ryot. The enclosure A is a translation of the plaint. The Munsiff has dismissed the suit as barred by limitation, because the rent is stated to have been due for Fusly 1278, which ended on the 30th June 1869, and though the suit was instituted within three years from that date, namely, on the 15th June 1872, still the notice by which a puttah for the fusly was tendered to the defendant was not given within the fusly, in fact, not till 18th May 1872. In arriving at this conclusion, the Munsiff professes to follow the decision given by the High Court in Small Cause Referred Case 4 of 1872, on the 18th April 1872. A similar decree, dismissing a similar suit on the very same grounds, has been confirmed by the Principal Sudr Ameer with the remark that he thought it 'fully borne out by the authority referred to therein.' In the Referred Case 4 of 1872, the puttah had been tendered within the fusly, and the question was whether a tender made towards the end of the fusly was in time. It is true that the form in which the question was submitted was whether the puttah must be tendered at the commencement of the fusly, or whether it may be tendered at any time before the landlord's claim is barred by Section 8 (i.e., Clause 8, Section 1) of the Limitation Act: but the latter part of the question was not necessary for the decision of the case."

Their Lordships, as might have been expected, determined that a tender within the fusly was in time, but they commenced their judgment with the following observations:—"At what precise time these written agreements shall be entered into, the Madras Act VIII of 1865 has not expressly enacted or declared. But they should be made and exchanged as soon as conveniently may be after the creation and during the existence of the tenancy the terms of which they are meant to express." It is on this dictum, for I humbly conceive that it is nothing more than a dictum though entitled to the highest respect, that the District Munsiff has relied. I entertain considerable doubt whether their Lordships ever meant to decide, or even to express an opinion, that the landlord's claim to rent in the ordinary Courts would be wholly barred merely because he did not tender the puttah within the fusly. I think express words are necessary to bar a suit by limitation, and their Lordships have distinctly noted that no such words are to be found, and have merely spoken of what may be convenient and what should be done, by which I understand them to mean what is expedient or desirable.

On the other hand, I am compelled to admit that the whole tenor of the Act seems to contemplate the exchange of puttahs and muchilakas as taking place within the fusly or within a reasonable time after its termination. On the whole, the point seems sufficiently important and doubtful to render an authoritative declaration of the law very desirable. I therefore submit to the High Court the question: Is a suit for rent, brought by a landholder who is bound to give or tender puttahs, barred, if the tender has taken place after the fusly's expiration, and after a reasonable time has elapsed since its expiration, but within the three years allowed by Clause 1, Section 8 of Act XIV of 1859.

The only new points which have been brought to notice in this suit are—(1), that in A. S. 153 of 1866, this Court (Mr. Cotton) held, that in another village of this Zemindari, puttahs once given must be regarded as continuing in force from year to year until notice to the contrary; on the other hand, it has been set up that no puttah has ever yet been given to this defendant; (2), the order of Government at page 884 of the *Fort St. George Gazette*, dated 6th June 1871, requires that puttahs reserving a rental exceeding 50 Rupees be registered, and till the termination of the fusly, it may sometimes be impossible to say whether the rent payable on the entire holding will or will not exceed Rupees 50."

Their Lordships delivered the following

Judgment:—6th May 1874.

According to the opinion of a majority of the Full Bench, a landholder is bound to give, or tender, a puttah within the fusly.

HER MAJESTY'S PRIVY COUNCIL.

[BENGAL CASES.]

Right of Zemindars to sell lands held on putnee tenure free of all incumbrances.

A and B, two durputneedars, sued Z., a Zemindar, for possession and mesne profits, on the ground that he had fraudulently and collusively obtained a decree against R., putneedar, and sold the putnee avoiding the incumbrance of their durputnees. It appeared that the Zemindar had originally sued the durputneedars for arrears of rent, and that A and B had then pleaded R. was responsible for the rent, but did not plead that R. held merely benamsee for Z.

HELD, that there was no appearance of fraud; and that, from the very nature of putnee tenures, according to Regulation VIII of 1819, they could be sold free of all incumbrances.

Judgment of the Lords of the Judicial Committee of the Privy Council on the appeal of Brindabun Chunder Sircar Chowdhry and another v. Brindabun Chunder Dey Chowdhry and others, from the High Court of Judicature at Fort William in Bengal, delivered 5th March 1874.

Present.

SIR JAMES W. COLVILLE.
SIR BARNES PEACOCK.
SIR MONTAGUE E. SMITH.
SIR ROBERT P. COLLIER.

SIR LAWRENCE PEEL.

THIS is a suit for possession and mesne profits of a durputnee mehal brought against the Zemindar. The charge is that the Zemindar, in collusion with the heirs of Rutnessur Roy, who was said to be merely a benamsee holder of the putnee taluk, obtained a decree against them for Rupees 5,156 as arrears of rent of the said putnee, and that under that decree he sold the putnee, and having purchased it in his own name entered upon the estate of the durputneedar, treating the durputnee as having ceased to exist upon the sale of the putnee.

With regard to the fraud their lordships are of opinion that there is no sufficient evidence to satisfy a Court of justice that there was any fraud or collusion between the Zemindar and the heirs of Rutnessur, to allow the Zemindar to obtain a decree against Rutnessur for arrears of rent which were not actually due. A strong fact against the supposition of fraud was this, that the Zemindar originally sued the durputneedars for these arrears of rent. The durputneedars in that suit set up as a defence that Rutnessur was the putneedar and that they were merely the durputneedars of the mouzah, hence they said, the plaintiffs' claim can be made against Rutnessur or his heirs, and not

against us. Now if the durputneedars at that time thought that the action ought to have been brought against the Maharajah of Kishnaghur, for whom they said Rutnessur held the estate benamee, why did they not say so in their defence? They said, Rutnessur is the person liable for these arrears and you must sue him. Upon that the case went to trial in the Collector's Court; and the judge who tried the case held that Rutnessur was the putneedar, and, therefore, that the plaintiffs could not sue the durputneedars, and he dismissed the suit with costs, whereupon the Zemindar brought an action against the heirs of Rutnessur for the arrears of rent, and it is that suit which is now charged as having been brought by collusion between the Zemindar and Rutnessur for the purpose of injuring the durputneedars by fraudulently obtaining a decree for rent which was not due, and then selling the putnee and avoiding the incumbrance of the durputnee.

There being, then, no fraud in the case, the question arises, whether, upon the sale of the putnee, under the decree for rent, it was sold free from the incumbrances which had been created by the putneedar, or, in other words, whether it was sold free from the durputnee. That depends upon the construction of Section 105 of Act X of 1859. That Section enacts, "If the decree be for an arrear of rent due in respect of an under-tenure which by the title-deeds or the custom of the country is transferable by sale, the judgment-creditor may make application for the sale of the tenure, and the tenure may thereupon be brought to sale in execution of the decree, according to the rules for the sale of under-tenures for the recovery of arrears of rent due in respect thereof, contained in any law for the time being in force." It has been held, upon the construction of those words, "according to the rules for the sale of under-tenures," that the effect of Regulation VIII of 1819, and I of 1820, is applicable to cases of sales under decrees of rent made under this Section 105; and then the question arises whether this was a sale for an arrear of rent due in respect of an under-tenure which by the title-deeds or the custom of the country is transferable by sale."

The plaintiff in his plaint describes the tenure as a putnee taluk, and his own tenure as a durputnee, and the point is, whether, under the description of "putnee and durputnee," it is to be presumed that the putnee tenure was one such as is described as the tenure denominated a putnee by Regulation VIII of 1819. In the preamble of that Regulation—which, as contended for by the learned counsel, it must be admitted is not an enactment but merely a recital, it is said, "By the terms of the engagements interchanged it is,

"amongst other stipulations, provided, that in case of an arrear occurring, the tenure may be brought to sale by the Zemindar, and if the sale do not yield a sufficient amount to make good the balance of rent at the time due, the remaining property of the defaulter shall be answerable for the demand. These tenures have usually been denominated putnee taluks."

Their lordships are of opinion that under the description "putnee taluk" and "durputnee taluk" it must be *prima facie* intended that the tenure called a putnee tenure was a tenure transferable by sale and upon the creation of which it was stipulated by the terms of the engagements interchanged that in case of an arrear occurring, the estate might be brought to sale. If so, according to the terms of Regulation VIII of 1819, the tenure might not only be brought to sale, but it might be sold free from incumbrances. By Section 8 of Regulation VIII it is enacted, "Proprietors under direct engagements with the Government shall be entitled to apply in the manner following for periodical sales of any tenures upon which the right of selling or bringing to sale"—not the right of selling or bringing to sale free from incumbrances, but—"upon which the right of selling or bringing to sale for an arrear of rent may have been specially reserved by stipulation in the engagements interchanged on the creation of the tenure." Then, by Section 11, the effect of such a sale is stated as follows—"It is hereby declared that any taluk or saleable tenure that may be disposed of at a public sale under the rules of this Regulation for arrears of rent due on account of it, is sold free from all incumbrances that may have accrued upon it by act of the defaulting proprietor, his representatives or assignees, unless the right of making such incumbrances shall have been expressly vested in the holder by a stipulation to that effect in the written engagements under which the said taluk may have been held."

It appears, therefore, to their lordships that this was the sale of a taluk transferable by sale, and upon which the right to sell for arrears of rent was reserved in the engagements entered into by the parties. Consequently, according to the effect of Section 105 of Act X of 1859, and Sections 8 and 11 of Regulation VIII of 1819, and probably also of Act I of 1820, the effect of the sale of the putnee taluk was to destroy all incumbrances which had been created by the putneedar, and consequently to destroy the particular incumbrance which is mentioned in the plaint in this suit, namely, the durputnee of the plaintiff.

Their lordships, therefore, think that the suit was not maintainable, and that the learned Judges of the High Court did not probably give

sufficient effect to the recital of the preamble of Regulation VIII of 1819, and the enactments of that Regulation, in holding that it did not appear that the putnee was a tenure upon which the right to sell for arrears of rent had been reserved by the contract of the parties.

Under these circumstances it appears to their lordships that the decision of the High Court was not correct, and they will, therefore, humbly recommend Her Majesty to reverse that decision and to affirm the decision of the Principal Sudr Ameen, with the costs of this appeal.

Suit for declaration of boundary—Uncertainty.

The Zemindar of Shooshung sued for a declaration of his boundary line which lay, he alleged, much to the north of the boundary laid down for him in the Revenue maps. It was found that the Revenue maps were incorrect, and that the Zemindar's limit lay to the north.

HELD, that as the exact limit of the zemindary had not been clearly shown, a decree, defining its exact geographical position, could not be made; but that the Zemindar was not bound by the survey maps, he having clearly proved his title to lands much to the north of the supposed boundary line.

Judgment of the Lords of the Judicial Committee of the Privy Council on the appeal of *Rajah Rajkishen Sing Surma Bahadoor v. The Collector of Mymensingh* (on the part of Government), from the High Court of Judicature at Fort William in Bengal, delivered 23rd April 1874.

Present.

SIR JAMES W. COLVILLE.
SIR MONTAGUE E. SMITH.
SIR ROBERT P. COLLIER.

THE object of this suit was twofold. It was brought to set aside the boundary line which had been laid down by the survey authorities, and confirmed by all the revenue authorities up to and including the Sudr Board of Revenue; and it further sought a declaration of the right of the plaintiff, as the Zemindar of the permanently settled zemindary of Pergunah Shooshung, to the whole of the lands lying to the north of that boundary line within the boundaries set forth in the plaint. Now there does not seem to be much dispute or difficulty as to the western, eastern, or north-eastern boundaries, but the difficulty in the case has been to say what is the northern boundary of the permanently settled zemindary of Shooshung, if it is not the line laid down by the survey authorities. The boundary claimed by the plaint is "the hills running along the "north of the villages of Abulgarai and Sen-sengarai upon the north." Their lordships

will presently advert to the difficulty of giving a definite interpretation to that description of the northern boundary. At present it is sufficient to say that the first object sought by the suit has been fully obtained; that the Zillah Judge found that the survey authorities had erroneously laid down the boundary line; that although there was some difference of opinion in the division bench to whom that decision of the Zillah Judge went in the first instance by appeal, all the judges composing the Full Bench of the High Court concurred in ruling that that line had been improperly laid down; and that it was not binding in any way upon the plaintiff.

There is no cross-appeal against that decision, and the boundary line in question must, therefore, be taken to have been conclusively set aside.

The only question then which has been brought here by appeal, and the only question with which their lordships have to deal, is whether the plaintiff, the appellant, has made out his title to the declaration sought in his suit of his right as zemindar to all the lands within the boundaries described in the plaint. Their lordships have no hesitation in saying that they concur entirely with the High Court in thinking that the appellant has given very strong evidence of rights of dominion exercised within the forests lying to the north of what may be called the survey line, and of rights of ownership as Zemindar and possession as Zemindar of certain villages, more particularly those villages which are referred to in the judgment of Mr. Justice Phear, as mentioned in the *raboo-carees*, of Mr. Irwin and Mr. Inglis, and in the final decision of Mr. Jenkins, the Commissioner.

In respect of those villages there was a distinct contest whether they belonged to the zemindary of Shooshung, or whether the Government had a right to assess them as belonging to the territory alleged to be independent and unsettled, or whether they belonged to the Cossyah Rajah; and the result of those proceedings was to affirm the title of the Rajah of Shooshung.

Those proceedings then, if not conclusive in this case, at least afford very strong evidence that those villages are part and parcel of the appellant's settled zemindary. And if their lordships could have seen their way to any decision which would shut the door to future litigation and define beyond all further question the rights of the appellant, they would have been extremely glad to pronounce it. But upon full consideration they do not see how upon the pleadings and evidence before them, and consistently with the practice of the Courts in like cases, they can make such a decree. They must observe that there is upon this record, even as to the extent of the claim of

the plaintiff, considerable ambiguity. It has already been stated that the northern boundary claimed is said to consist of the hills running along the north of the villages Abulgarai and Sensengarai upon the north, and the decree of Mr. Simson, the Zillah Judge, adopts that boundary, and declares that the plaintiff is entitled to the lands within it. But what is that boundary? The appellant's counsel have wholly failed to satisfy their lordships where the village of Sensengarai lies. It is not marked upon the survey map, and though it would appear, by the very rude sketch map which is also in evidence in the cause, to be in the neighbourhood of Abulgarai, it is impossible to fix geographically its precise position. Then again, taking the position of these two villages to be fixed, it would be impossible for their lordships, on the evidence before them, to say that the hills running along the north of those villages was the Doora range of hills, which the learned counsel for the appellant have asserted to be the northern boundary of his zemindary. Upon the evidence and the maps it would rather seem that the boundary described in the plaint is to be found in some hills considerably to the south of the Doora range and nearer to the village of Abulgarai. Therefore any declaration in the terms of the plaint would, as it seems to their lordships, leave the real boundary of the plaintiff's estate still a matter of doubt and difficulty, and keep the door to future litigation still open. Again, their lordships do not see that they are in a condition to direct in terms any inquiry, the result of which would be certain to do justice between the parties and to ascertain the true boundary. At one time it appeared to their lordships that if the district of Gowlparah or the zillah of Rungpore, out of which that district was taken, had been shown to be precisely conformous with Mymensingh, they might, by directing an inquiry as to the line which divides the two districts, have settled the question between the Government and the appellant, inasmuch as the appellant's zemindary comprises the whole pergunnah of Shoo-shung, and that seems to have extended to the northern limit of Mymensingh. Mr. Cowie's argument has, however, left it, to say the least, extremely doubtful whether there was not always some undefined and independent territory known as the Garrow hills, between Gowlparah and Mymensingh. Upon the whole, then, their lordships feel that they are incompetent to declare the boundary or to do substantially more than has been done by the High Court. It has, however, been suggested that the decree of the High Court (and this has been fairly admitted by Mr. Cowie) may be open to some misconstruction, and their lordships would propose to vary it in the way to be now stated. They do not think it necessary to

alter that part of it which reverses the decree of the Zillah Court, in so far as it declares the plaintiff to be entitled to the lands specified in the plaint, because there is really no substantial difference between reversing that part of the decree and directing that that part of the decree be omitted; and they leave unaltered the declaration—"That the boundary line laid down in the survey map as the boundary line of the said plaintiff's settled estate is not the true boundary line, and that the said plaintiff is not bound by the said survey map or by the order of the Collector of the 15th April 1859, and the subsequent proceedings thereon."

But after that declaration they propose to insert the following words:—"And the Court not defining the true boundary line of the plaintiff's zemindary of Shoo-shung, doth further declare that this decree is to be without prejudice to the rights of the plaintiff to any portion of the lands in dispute as part of his settled zemindary of Shoo-shung or otherwise." That will prevent any possible misconstruction of the former decree as a decision adverse to the plaintiff's claim in this suit.

Their lordships cannot refrain from expressing their opinion that it is extremely desirable that whatever means may be open to the Government for defining and ascertaining the boundary of the plaintiff's zemindary and his rights in this large tract of land, which under the special Act of 1869 has been put under the peculiar jurisdiction thereby created, should be taken with as little delay as possible.

There may be sound political reasons founded on the peculiar character of the Garrow tribes which justify such an enactment. But care should be taken to prevent such abnormal legislation from interfering more than is absolutely necessary with the private rights of a Zemindar under the perpetual settlement. And it is but fair that the plaintiff, who has already been put to so much expense and trouble in relation to his property, should be relieved from further expense and trouble as much as possible. It must be, one would think, within the power of the survey officers to ascertain the true boundaries of his settled zemindary, which upon the evidence would certainly seem to comprise the villages as to which he has given such strong evidence of title, and, presumably at least, so much of the disputed land as lies to the south of them.

Their lordships, therefore, will humbly recommend to Her Majesty to vary the decree of the High Court by inserting the further declaration stated above, and, subject to that variation, to affirm the decree; and they think that, there being some variation of the decree, but that variation not being a very substantial one or going to the full extent of what was claimed by the appellant, each party should pay his own costs of this appeal.

OFFICIAL PAPERS.

MR. PLUNKETT—SALT DEPUTY COLLECTOR,
NELLORE DISTRICT.

*Proceedings of the Madras Government, Revenue
Department, 16th April 1874.*

Read the following Proceedings of the Board
of Revenue, dated 24th March 1874, No.
660:—

DURING his recent visit to Nellore, the 1st Member obtained specimens of the salt from different stations in the district which won prizes at the Agricultural Exhibition, held in Nellore; and also from Kistnapatam, which station was inspected in detail.

2. The specimens are of excellent quality. At Kistnapatam the manufacture was already (in February) in full progress, and the salt which was being produced was equal to any which the 1st Member has seen. He was much struck with the great neatness and regularity displayed in everything connected with the works. The drainage and fencing of the platforms and the formation and thatching of the heaps were unexceptionable; and the early date at which the manufacture was commenced was most satisfactory. Mr. Thornhill was assured by the Collector that the Kistnapatam station is in no way superior to other stations in the district.

3. The Board are of opinion that the state of things reported by the 1st Member reflects great credit on Mr. Plunkett, the Deputy Collector in charge of Salt in the district, and shows what can be done by officers of energy and administrative tact. They resolve to bring Mr. Plunkett's good conduct to the notice of Government.

4. The specimens of salt will be sent to the Collectors of Chingleput and South Arcot. The Board see no reason why if salt of such good quality can be produced in Nellore by the middle of February, equally good results could not be obtained in those districts.

Order thereon, 16th April 1874, No. 447.

The Government regard with satisfaction this testimony to Mr. Plunkett's zealous and successful discharge of his duties.

(True Extract.)

(Signed) C. G. MASTER,
Acting Secy. to Government.

CINCHONA NURSERY AT WYNAAD.

*Proceedings of the Madras Government, Revenue
Department, 17th April 1874.*

Read the following papers:—

Proceedings of the Board of Revenue, dated
11th March 1874, No. 543, Forest No. 23.

Read the following letter from Lieutenant-Colonel R. H. BEDDOME, Inspector of Forests, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Madras, 26th January 1874, No. 2,028:—

I HAVE the honour to forward documents as per margin for the orders of the Board.

Letter from the Collector of Malabar, to the Inspector of Forests, 2. The *Cinchona succirubra* grows so splendidly in Wynaad, and its introduction on a large scale is of such great importance, that every encouragement should be given to coffee planters to grow it. The *C. calisaya* and *C. officinalis* are not, I think, likely to succeed so well.

3. I am much in favour of a large nursery being established in the Wynaad. The transport of seedlings by coolies from Ootacamund will be an expensive operation, and many plants would die on the road.

4. The Blue Gum (*Eucalyptus globulus*) does not appear to thrive much below 5,000 feet, and I am afraid that it will not succeed well in the Wynaad. The local forest officer on the hills might, however, be requested to supply the Collector with some seed. Many of the trees are now seeding well at Ootacamund, but the collection of this seed is a work of much trouble, as the trees are generally very lofty.

ENCLOSURE No. 1.
From A. MACGREGOR, Esq., Collector of Malabar, to Major R. H. BEDDOME, Inspector of Forests, dated Calicut, 9th January 1874, No. 32.

I have the honour to forward a letter from Captain Cox stating that he is unable to obtain from the Government nurseries on the Nilgiris certain Cinchona plants owing to there being none to spare, and stating that no definite promise can be given for the future owing to the propagating establishment having been reduced to two men.

2. The question of establishing nurseries in Wynaad, as desired by the Secretary of State, was discussed in G. O., 23rd November 1872, No. 1,612, and the alternative course of supplying plants from the Nilgiris approved by Government. I trust, therefore, that any addition necessary to meet the demands of

Wynaad planters may be made to the funds at the disposal of the Commissioner.

3. Two years have elapsed since I wrote on the subject, and during that time the increased growth shown by the trees planted in Wynaad is remarkable; and they are already bringing in a fair return, and, in places, they are being planted as shade for coffee where partial shade is found desirable.

4. I enclose copies of extracts from papers regarding the Blue Gum tree, and it certainly seems worthy of a trial in Wynaad. I propose putting a number down at Gudalur and at Vythery, which is at times feverish, and where fever is generally referred to the swampy hollows which surround the Bazaar, Cutcherry, Hill, &c. I have no doubt that many planters would try the experiment if assured of a supply of plants at the beginning of the monsoon.

5. I should be glad to know whether seedlings in considerable quantities could be furnished from the Nilgiris by the Forest Department, and at what cost.

ENCLOSURE 1 IN No. 1.

From Captain W. S. H. COX, to A. MACGREGOR, Esq., Collector of Malabar, dated Charambady, 12th January 1874.

I have the honour to request that you will forward this my application to be supplied during the months of June and July 1874 with Cinchona plants as named in the margin.

C. calisaya, the variety known as Mr. Broughton's No. 5, 12,000 plants raised from cuttings.

C. officinalis angustifolia, 5,000 plants.

C. succirubra, 5,000 plants not less than one foot high, to allow of being planted out.

Cinchona officinalis angustifolia and *Cinchona succirubra*, and was informed that there were none to spare.

3. Again in October 1873 I applied for 12,000 plants of the *Cinchona calisaya* before mentioned and for 5,000 plants of *Cinchona officinalis angustifolia*, but Mr. McIvor could give me no definite promise, his propagation establishment having, he informed me, been reduced to two men.

ENCLOSURE 2 IN No. 1.

A Wonderful Tree.

In drying up Italian marshes, in getting rid of the swampy districts near Paris, and in using up the surplus water of the Camargue, an Australian tree (*Eucalyptus globulus*) has

shown extraordinary power. In addition to the faculty of absorbing ten times its weight of water from the soil, this plant is said to possess the power of destroying miasmatic influence by the emission of antiseptic camphorous effluvia. At the Cape its effect has been magical, while in Algeria fever has rapidly receded before the conquering Eucalyptus. Cuba attests the validity of the Australian plant in removing moisture and fever, and it is predicted by enthusiasts that the Eucalyptus will make short work even of the dreaded Pontine marshes.—Iron.

The Eucalyptus.—The French Academy of Sciences has received an interesting communication from M. Gimbert, who has been long engaged in collecting evidence concerning the Australian tree (*Eucalyptus globulus*), the growth of which is surprisingly rapid, attaining besides gigantic dimensions. This tree, it now appears, possesses an extraordinary power of destroying miasmatic influence in fever-stricken districts. It has the singular property of absorbing ten times its weight of water from the soil and of emitting camphorous effluvia. When sown in marshy ground, it will dry it up in a very short time. The English were the first to try it at the Cape, and within two or three years it completely changed the climatic condition of the unhealthy parts of the colony. A few years later, its plantation was undertaken, on a large scale, in various parts of Algeria, and complete immunity from local fever has been maintained by it. In the Island of Cuba, paludean diseases are fast disappearing from all the unhealthy districts where this tree has been introduced.

Memo.—The Australian Gum tree or Eucalyptus is cultivated in the South of France with extraordinary success. The introduction of this tree is a national benefit (to whatever nation, and wherever it will succeed). It grows very fast even in a dry and hungry soil; it affords excellent timber; it acts as a disinfectant for unwholesome places; the bark contains an alkaloid febrifuge; the leaves may be smoked; in short, its uses seem to be numerable.

From an article on Kew Garden in *Edinburgh Review* for October 6th, 1873.

(True Extract.)

(Signed) A. MACGREGOR,

Collector.

Submitted for the orders of Government.

2. It is most desirable to establish a nursery of Cinchona trees in the Wynaad, but it appears that some propagating establishment must be entertained on the Nilgiris before plants can be supplied.

3. The Inspector of Forests is of opinion that the *Cinchona succirubra* would grow well in the Wynaad, though it will be expensive to carry the seedlings there.

4. The Commissioner of the Nilgiris will be requested to inform the Board what he thinks the cost of the transport will be, and to send a supply of the seed of the Blue Gum (*Eucalyptus globulus*) to the Collector of Malabar.

From A. MACGREGOR, Esq., Collector of Malabar, to C. G. MASTER, Esq., Acting Secretary to Government, Revenue Department, dated Calicut, 18th March 1874, No. 20.

I have the honour to inform you that I have this day received a copy of Board's Proceedings, dated 11th March 1874, No. 543, and, as the case is one in which a few weeks more or less is important, I write direct instead of through the Board.

2. I much fear that one main object which I had in writing, viz., securing Captain Cox a supply of trees in time to put them in at the beginning of the monsoon, is in danger of falling through, unless immediate action is taken. It must be remembered that, in their order of 23rd November 1872, No. 1,612, Government approved of my proposal that young plants should be prepared on the Nilgiris and supplied free, on due notice being given.

3. Captain Cox has certainly taken the lead in the matter of fairly trying *Cinchona* in Wynaad, and if, after giving fair notice, he does not get the supply of plants by June, which he doubtless counts on, and has prepared land for, he may fairly complain; and the experiment is anyhow likely to be much discouraged. He has made his own inquiries, and wishes to try a particular species, and all that is necessary to enable him to do so is to direct the Superintendent to get cuttings ready, and place the necessary funds at his disposal for that purpose.

4. This will be something very trifling compared with what a propagatory establishment in Wynaad would cost.

5. It will be observed that Captain Cox expressly says *cuttings*, and the reason for this is that, as is well known, the *Cinchona* hybridizes very freely, and only by cuttings, therefore, can the purity of any particular species be secured, seedlings being subject to endless variation.

6. As regards the expense of transporting seedlings from Ootacamund, we can estimate with tolerable accuracy. In 1870, I was supplied with 500 well-established plants for distribution in Wynaad. They were packed in two baskets, each one cooly-load. If, therefore, these plants are prepared at Ootacamund,

they will cost not more than 20 Rupees a thousand to carry them to their destination; if bandy can be used, considerably less.

7. The question of establishing a nursery in Wynaad requires great consideration, and I trust that the disposal of this immediate demand for trees made in accordance with what nearly amounted to a Government guarantee will not be allowed to remain unsatisfied, while the question is being discussed.

8. As regards the *Eucalyptus* again, I hope Government will order a certain number of seedlings to be distributed at once, so as to lose no time in settling the fact of whether the tree will flourish. If the climate is somewhat against it, it may be very difficult to germinate the seed and rear the young seedling to such a size as to admit of its being planted out, though a healthy seedling raised in a more congenial climate might do well. As a matter of fact, there is, I believe, a very fine specimen of the *Eucalyptus* growing in one of the lowest-lying parts of Wynaad.

9. Anyhow, the attempt at raising from the seed might be anticipated to fail when first tried, and the season of Wynaad at this time of the year renders it useless to send a skilled hand there from a distance.

Order thereon, 17th April 1874, No. 457.

The Government observe that, in their Proceedings of the 23rd November 1872, No. 1,612, it was decided that a regular *Cinchona* plantation in the Wynaad was unnecessary, and they see nothing in the papers now before them to lead to a re-consideration of that order.

2. There can be no real difficulty in sending plants from the Nilgiri Hills when available; but to enable Mr. Melvor to comply with indents, which may be made upon him, timely intimation of the wants of planters must be sent to him. He will, doubtless, also be prepared to supply seed with instructions for their planting.

3. With reference to paragraph 3 of the Board's Proceedings recorded above, it is observed that in Mr. Macgregor's letter, dated 26th October 1872, No. 2,174 (adverted to in G. O., 23rd November 1872, No. 1,612), the red bark was spoken of as "already sufficiently extended over Wynaad to place it within the reach of every one."

4. In order that the wishes of the Secretary of State, as contained in his despatch recorded in G. O., 31st January 1872, No. 197, may be carried into effect as far as is consistent with due economy, the Superintendent of the *Cinchona* Plantations will be desired to state whether it is necessary that a larger propagating establishment at Neddiwattum is required if the resolution passed in November

1872, viz., to supply young plants free to private persons in Wynad on due notice given, is still to be acted upon. He will submit, through the Commissioner of the Nilgiris, a statement of the extra cost which is likely to be incurred for this purpose; and he will state whether it is possible to comply, at an early date, with the requisition alluded to in the letter from the Collector of Malabar, dated 18th March, No. 20. The order in question hardly contemplated such large demands.

5. The Inspector of Forests will attend to the demand for the Eucalyptas, and supply a sufficient number for experimental purposes.

6. The cost of carriage will, of course, fall upon the applicants in both cases.

(True Extract.)

(Signed) C. G. MASTER,

Acting Secy. to Government.

AGRICULTURAL TOOLS FOR JUNGLE-TRIBES,
COIMBATORE DISTRICT.

Proceedings of the Madras Government, Revenue Department, 18th April 1874.

Read the following Proceedings of the Board of Revenue, dated 26th March 1874, No. 685, Forest No. 34:—

Read the following letter from A. WEDDERBURN, Esq., Collector of Coimbatore, to J. GROSE, Esq., Secretary to the Board of Revenue, dated 25th February 1874, No. 41:—

I HAVE the honour to request the sanction of Government, through the Board, for the expenditure of Rupees 2,000 as tukkavi or aid to the jungle-tribes, consisting of Innlers, Moodaghurs, Sholagurs, Kaders, and Mulcers, as they are variously called in the several hill-localities they inhabit.

2. Some, if not all, of these tribes are wretchedly poor, scarcely even possessing a cloth, and they have hitherto existed by a destructive cultivation in the forests by burning the trees and planting in the cleared spots for one season, and then renewing this destructive process.

3. I have arranged personally with several of these tribes that they will re-cultivate the former clearings and destroy no more forest, and, as one of the reasons for the former destructive process was the want of proper implements, I propose to aid each headman of a settlement with tools, such as mamoties, bill-hooks, and axes, with which to clear and till the ground, and, where requisite, with seed-grain, re-payable after three years.

4. Should the value of the tools or grain supplied be even eventually not recovered, such expenditure will be greatly more economi-

cal and advantageous to the permanent interests of the country than the destruction of timber-bearing tracts. It is a necessity that these tribes must live; they must have grain to subsist on, and, as they have no money to buy it from others, they must grow it themselves. I have been a good deal among them in their hill-clearings, heard their grievances, and promised them assistance; and I think it will be a better policy to obtain a control over them by such intercourse than by the hitherto severe course of prohibiting their cultivation, which, in fact, is scarcely possible owing to the long distances, paucity of the forest subordinates, and general inaccessibility of their locations. The evil is done before it can be prevented, but by warnings and assistance, such as I now propose, it is hoped to get them to follow a more settled course of agriculture.

Submitted for the favourable consideration of Government.

Order thereon, 18th April 1874, No. 462.

Sanctioned.

(True Extract.)

(Signed) C. G. MASTER,

Acting Secy. to Government.

PRIZE ESSAYS, AGRICULTURAL SHOW—MADRAS.
Proceedings of the Madras Government, Revenue Department, 21st April 1874.

Read the following Proceedings of the Board of Revenue, dated 16th April 1874:—

Read the following papers:—

General Prize List, Madras Agricultural Show, and Miscellaneous Proceedings Nos. 1,293 and 1,755.

Letters from Superintendent, Government Farms, dated 17th March 1874, Nos. 415-A and 414-A, and 24th March 1874, No. 426-A.

Read also reports of the Judges appointed to decide upon the respective merits of the competing Essays.

The Board resolve to make the following awards:—

(1.) For a report on the Indigenous Breed of Cattle in the Madras Presidency, Prize Rupees 100, Dr. Short; Extra Prize Rupees 50, S. Appasawmy Moodelly, late Tahsildar, Verduchallam Taluk, South Arcot.

(2.) For a report on the cultivation of Indigenous Tobacco, Prize Rupees 100, S. Appasawmy Moodelly, late Tahsildar, Verduchallam Taluk, South Arcot.

(3.) For a report on the experimental cultivation of Carolina Paddy, Prize Rupees 100, C. Cundasawmy Moodelly, Deputy Collector of Naidupett.

2. The rejected Essays will be returned to the writers; the four successful ones will be printed at the Government Press. The following number of copies of each will be required; orders as to their distribution will be issued on their receipt:—

	Copies.
1. Essay on cattle, 1st Prize ...	300
2. " " 2nd " ...	100
3. Tobacco ...	200
4. Carolina paddy ...	300

Order thereon, 21st April 1874, No. 488.

Recorded.

(True Extract.)

(Signed) C. G. MASTER,

Acting Secy. to Government.

SUNNUD FOR THE PEDDA KIMEDY MALIAHS,
&c., GANJAM.

Proceedings of the Madras Government, Revenue Department, 24th April 1874.

Read the following Proceedings of the Board of Revenue, dated 25th September 1873, No. 1,934.

Read the following letters:—

From C. G. MASTER, Esq., Collector of Ganjam, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Chatterpore, 30th June 1873, No. 1,488.

I HAVE the honour to return the form of Sunnud received with the Board's Miscellaneous No. 3,029, dated 25th April 1872, duly filled in.

2. With reference to the Board's Proceedings of the 26th May 1873, No. 868, I beg to point out that it was not only on account of the Rent Roll that I desired to obtain further information, but because I considered it quite possible that the names of villages not belonging to Pedda Kimedy might accidentally be included in the list; and I thought it my duty to make the Return as accurate as could be, even at the risk of delay.

3. I have since received the information which I sought from the Special Assistant Agent, and beg to enclose a statement showing the villages as returned by the Pedda Kimedy Zemindar, with the necessary remarks as to the result of the inspection made. The Board will observe from this that my asking for further information was not in vain, and that the Pedda Kimedy Zemindar included in his list several villages not belonging to his zemindary, besides entering several villages more than once.

4. In filling up the Sunnud, I have omitted the villages which I consider ought to be excluded, and I leave it to the Board to decide, by means of the enclosed statement, whether my entry in the Sunnud is correct. I append a separate list of villages so omitted, with the reasons for the omission. In the case of those which are under dispute with neighbouring proprietors, the necessary entries can hereafter be made in the Sunnud when the disputes are settled.

5. In regard to the form of Sunnud, which the Board forwarded with their Miscellaneous Proceedings, dated 25th April 1872, No. 3,029, I have the honour to point out that in several respects it appears to be inappropriate. The references to remissions in paragraph 3 and to Mahomedan Law in paragraph 5 are unnecessary. There are no Curnums, and, therefore, paragraph 7 might be omitted. As to paragraph 9, which implies a regular system of engagements, it would be next to impossible to enforce such a scheme, and it has been proposed (in the reports made upon the "Laws Local Extent Bill," vide G. O., 29th January 1873, No. 10, Legislative Department) to dispense with the Rent Recovery Act in excepted districts such as these Maliahs.

6. I observe that the Government Pleader was to have been consulted as to the form of Caboolent (G. O., dated 27th March 1871, No. 555, Revenue Department).

7. With reference to the same Government Order, the peishcush is payable from Fusly 1281 inclusive. The special conditions approved thereby have been omitted with reference to G. O., dated 10th April 1872, No. 588, Revenue Department.

ENCLOSURE No. 1.—Form of Sunnud.

ENCLOSURE No. 2.—List of villages given by the Zemindar of Pedda Kimedy.

ENCLOSURE No. 3.—Statement showing names of Maliah villages returned by the Zemindar as belonging to his zemindary.

From T. J. MALTBY, Esq., Assistant, for Collector of Ganjam, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Chatterpore, 15th August 1873, No. 1,836.

As requested in the Acting Sub-Secretary's official memorandum, No. 1,156, dated 4th August 1873, I have honour to forward herewith a copy of the letter of the Special Assistant Collector, dated 13th June 1873, No. 94, referred to in paragraph 3 of my letter to the Board of Revenue, dated 30th idem, No. 1,488.

ENCLOSURE No. 1.

From J. M. SMITH, Esq., Special Assistant Collector, to C. G. MASTER, Esq., Collector of Ganjam, dated Udayagiri, 13th June 1873, No. 94.

In reply to your letter, No. 809, dated 25th May 1872, enclosing the Pedda Kimeddy Zemindar's statement showing the names and villages said to be situated in the Pedda Kimeddy Maliahs, and his annual income derived from them, also enclosing an English abstract of the same; and requesting me to have this statement verified and a census of those Maliahs taken by the Baminigam Sub-Magistrate; I have the honour to inform you that the work has been done by the Ramagiri Magistrate.

2. I sent you per Book Post his Statement No. 1 of the Mootah villages and their rent for the last three years; also No. 2, a return of population. I also return the Zemindar's own statement and the English abstract you sent me and the Magistrate's report.

A Sunnud for the Pedda Kimeddy Maliahs will accordingly be submitted to Government as directed in G. O., dated 27th March 1871, No. 555, and 10th April 1872, No. 588. The Board accept the list of villages as finally settled by the Collector of Ganjam.

2. The Board do not think that the Collector's objections in paragraph 5 to the form of the Sunnud are of importance, and, as the idea of special restrictions is abandoned, there is no need to consult the Government Pleader as suggested in paragraph 6.

3. But the Board see no necessity for the creation of a separate and distinct estate as will be done by the issue of a separate Sunnud. The Maliah tracts are a portion of the original estate, and, in fact, were at one time the residence of the family. They are inhabited by Ooriyah Paiks like the rest of the estate; but at the permanent settlement were, owing to their secluded and difficult position, either unknown to, or unnoticed

See Board's Proceedings, dated 8th April 1867, No. 2,193.

by, the Circuit Committee, and the villages and assets found no place in the original Sunnud. The Board think it is worth considering whether the issue of a separate Sunnud for what is a portion of the Zemindary as it existed at the time of settlement is the proper course. It would seem better to add a postscript to the existing Sunnud and Caboolut to the effect that, whereas certain villages were not included in the original settlement of the estate the Government have been pleased to confirm them to the Zemindar in addition to the present estate, and on terms similar to those set forth in the Sunnud, subject to a peishcush of Rupees 1,000 per annum.

Order thereon, 24th April 1874, No. 506.

In pursuance of orders issued in the course of a correspondence, now of long standing, the Board of Revenue submit a Sunnud declaring a certain tract of hill-country in the Ganjam District, commonly known as the "Pedda Kimeddy MALIAHS," to be a zemindary, the person in whose favour the document is drawn up being the Zemindar of the permanently settled estate situated in the adjacent lowlands, and known as Pedda Kimeddy *alias* Vizianagur. They, at the same time, observe that it would be perhaps sufficient to add a postscript to the old Sunnud of the lowland estate of Pedda Kimeddy including the hill-tract in one and the same zemindary, on the ground that, although there is no mention whatever of the hill-villages in the accounts on which the permanent settlement was based on its introduction in this Presidency at the commencement of the present century, there is no room to doubt that the Zemindar of that period was even then, and probably long before, paramount in the neighbouring highlands.

2. The Governor in Council has to remark that (with more or less reservation) the same may be said to have been the case with all the Maliahs fringing the lowland zemindaries of Ganjam. It was pointed out by the late Agent in his annual Report, 1867

G. O., 19th Sep- (paragraph 9), that of the
tember 1868, No. three great "Kimeddy"
1,456, Judl. Dept. estates,—for instance,

Purla, Pedda, and Chinna Kimeddy,—the "Purla Kimeddy" Maliahs alone are held both *de facto* and *de jure* by the Zemindar of that name, being attached to his zemindary in the accounts of the permanent settlement. He gave a list of eight (all the greater) Maliahs. "There is no mention of any of these," he added, "in the public accounts; it is probable that the Zemindars, while accepted perhaps as arbitrators and revered as powerful allies, had no direct control over the Sourahs and Khonds of the hills in those days. They have probably acquired their present position within the last half century of peace and order. No longer suffered to wage war with one another, each engaged his clansmen in the work of consolidating his power and influence amongst the neighbouring highlanders." Two of these Maliahs, Goomsur and Sooradah, it is observed, fell directly into the hands of Government shortly after the suppression of the Goomsur insurrection. The cases of two others have been disposed of as occasion arose, on considerations of a political nature; thus, the peace of the country imperatively requiring it, an order was passed dis-

G. O., Revenue
Dept., 5th Decem-
ber 1870, No. 1,931.
severing the Maliahs of
Chinna Kimeddy *in toto*
from the control of the
Zemindar of that name,

an annual compensation being secured to him; while in Cuttengiah, on the other hand, the title and possession of the present chief were secured and attested by the grant of a Sunnud,

G. O., Revenue Dept., 9th September 1870, No. 1,419.

dition was accepted

G. O., Revenue Dept., 8th July 1868, No. 1890.

fixing a yearly nuzzur of Rupees 50, and declaring the tenure to be hereditary and non-transferable. The propriety of this last condition was accepted by the Government for the reasons then strongly urged by the late Agent, viz., that "these hill chiefships, as long as they remain in the hands of the old Rajpoot families, are of great use to us in our intercourse with the Khonds and Sourahs; but, if they once fell into possession of Banians and usurers, we should very soon be landed in agrarian disturbances of the worst kind. The interest of the chief in the estate, therefore, should be inalienable; and, in consideration of the light peishcush or nuzzur, he should be required to attend and serve with his Paiks, and generally to afford his assistance whenever called upon by the Agent to the Governor for that purpose." The tenure being thus declared feudatory, it was noticed that Clause 3rd, Rule X of the Agency Rules, sanctioned by Government in virtue of the powers vested in them by Section 4, Act No. XXIV of 1839, would regulate the succession, namely:—

"Clause 3rd. On the death of any proprietor, the Agent shall personally investigate all claims to the succession to hill zemindaries or other landed possession held on feudatory tenures, and shall, through the Board of Revenue, submit the result of his inquiry for the orders of Government, who, should there be more than one claimant, will exercise their inherent right to select, as successor, the one among them most acceptable to the people and best qualified to fulfil the duties of the situation."

3. Similarly, in the present case, the question before them will be decided by Government on grounds of public policy; and these, in their opinion, demand reversal of the previous determination to grant these Pedda Kimeddy "Maliahs" on zemindary tenure. The proceedings in the above cited "Cuttengiah" case were fully reported to the Secretary of State,

Revenue despatch No. 2 of 1869.

and approved by Her Majesty's Government; and His Excellency in Council considers that the present reference may fitly be disposed of in the same way. The Board of Revenue will, therefore, be requested to prepare and submit a Sunnud in favour of the proprietor of the Pedda Kimeddy estate in terms similar to those used for the Cuttengiah chief, the *peishcush* heretofore proposed of Rupees 1,000 per annum being changed for a *nuzzur* of Rupees 500,

the tenure being now burthened with the condition of occasional service.

4. The Agent in Ganjam will report, through the Board of Revenue, whether there are any other hill-tracts which belong to the same category, with his suggestions for settling them on the present chiefs and their descendants in the same way; it being the fixed intention of Government to place such properties out of all risk of alienation, either privately or under the Revenue-sale laws; while by retaining them under the Agency Administration, they will be included in the "Excepted

G. O., Legislative Department, 29th January 1873, No. 10.

Districts" Bill now before the Governor-General's Council, and all doubt as to the validity of certain unsuitable laws and general Regulations in these remote and uncivilized tracts will be definitely removed.

(True Extract.)

(Signed) C. G. MASTER,
Acting Secy. to Government.

FISHERY AND TRADE IN SALT-FISH, ATTANKARAI—MADURA DISTRICT.

Proceedings of the Madras Government, Revenue Department, 27th April 1874.

Read again G. O., 14th March 1873, No. 313, Revenue Department.

Read also the following Proceedings of the Board of Revenue, dated 14th April 1874, No. 848:—

Read the following letter from W. McQUHAE, Esq., Collector of Madura, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Ramnad, 3rd March 1874, No. 56:—

WITH reference to the Order of Government, in the Revenue Department, dated 14th March 1873, No. 313, communicated with the Board's Miscellaneous No. 1,712 of the 20th March 1873, I have the honour to submit copy of a letter from the Deputy Collector in charge of Salt and Sea Customs, dated 17th February 1874, giving detailed information regarding the fishery and trade in salt-fish at Attankarai.

2. The specimens collected by the Deputy Collector have unfortunately been spoiled, and as probably every fish can be had at any large fishing station on this coast, it seems scarcely worth-while to send them from an out-of-the-way place like Attankarai. The trade in salt-fish is considerable, but I see no reason why the operations of the fishermen at Attankarai should be specially regulated. If any general measure be adopted for the preservation of Sea fisheries, Attankarai is a place to which any such measure would be made applicable, but I scarcely see what could be done without a law

specially passed for the purpose, and there is no very urgent necessity for such a law in this part of the coast, fish being abundant enough at present.

3. The Zemindar of Ramnad used to receive certain payments from the fishermen, but these payments were regulated by no fixed principle, and have been discontinued since the Estate came under the Court of Wards. It is probable that these payments originated in contributions of fish for the Zemindar's kitchen.

4. My opinion is, that the fishermen should be left to their own devices at present, but I would supply salt at a cheap rate for salting fish properly. I am not very well acquainted with the subject, but I am under the impression that salt-fish ought not to be stinking-fish as it is at present. If with proper curing the trade becomes more developed, it might be necessary to regulate the fishing.

ENCLOSURE No. 1.

From M. RAMASAMY MUDALIAR, Deputy Collector, Salt and Sea Custom Department, to W. McQUHAE, Esq., Collector of Madura, dated Mutturazgunadapatam, 17th February 1874, No. 38.

I have the honour to furnish the report called for in your letter No. 622, dated 27th March 1873, regarding the fishing referred to in Government Proceedings, No. 313, dated 14th March 1873.

2. Attankarai, the place referred to by Colonel Roberts, is a subordinate port of this district, wherein the import and export of goods are permitted. One of the principal articles of import at this place is salt-fish. It is brought out chiefly from the fisheries of the Island of Rameswaram; the salt-fish that is sold and carried off into the interior is not, therefore, the product absolutely of the fishery off Attankarai. The fish caught within five miles of Attankarai is likewise brought to Attankarai, where it is cured and sold by salt-fish traders, who are distinct from the fishermen. Not only the local salt-fish traders, but others from the interior, encamp at Attankarai, during the fishing season, and make that place the depôt of the salt-fish they collect. Hence the extensive traffic in salt-fish referred to by Colonel Roberts, in paragraph 3 of his Report, dated 8th January 1873, No. 4383, and embodied in the Proceedings above quoted.

3. Upon the receipt of your letter, under reply, with a view to ascertain approximately the quantity of fish caught at the Attankarai fishery, I procured through the Sea Customs Officer of Devipatam a daily Return of the number of boats employed in catching fish in this fishery and the estimated value of the fish brought ashore.

4. A monthly Abstract of these Returns is subjoined for your information. The value given is what the raw-fish when brought ashore, was estimated at, for the purpose of division between the fishermen and the salt-fish traders, who advance money to the fishermen.

Month.	Number of boats.	Value of fish.		
		RS.	A.	P.
May	117	3,471	1	0
June	174	2,535	10	0
July	182	4,850	7	0
August	142	1,276	6	0
September ...	185	2,137	0	6
Total...	800	14,270	8	6

5. Attankarai, as Colonel Roberts says, is situated at the mouth of the Vygai, the bay formed here is protected from the south-western winds, between April and October by the neck of land which juts out into the sea. Hence shoals of fish resort to this part of the coast for spawning. There is no doubt that there is here, as at other fisheries, an indiscriminate slaughter of fish, as Colonel Roberts remarks, but this is due, I believe, to the ignorance of the local fishermen. The smaller fish if spared, might furnish better food to the public than they do now as indiscriminately caught.

6. I beg to annex a list of the shoals of fish which make their appearance in this part of the coast between May and September. The local names of the fish are given in tamil.

7. The specimens collected by me, from evaporation of the arrack, in which they were secured, underwent putrefaction. The jars which contained the specimens, were not well glazed. Accidentally I noticed one of the jars to be cracked and emit a bad smell, on opening the jar I found the specimen within to be putrefied; so were all the specimens, without exception, found to be on examination. I will collect the specimens again during the next season, and send them up carefully, preserving them in arrack.

8. I deferred the submission of this report, because the specimens called for could not be sent; as, however, a reminder has been received, I submit the report at once, and beg to apologize for the non-transmission of the specimens.

(True Copy.)

(Signed) W. McQUHAE,

Collector.

List of Fishes.

Fish caught at the Attankarai fishery between the months of May and September 1873.	Months in which the Shoal appear.
1. வாலை Valai	May to September.
a யெருமைநாக்குவாலை. Yerumainakku Valai	September.
2. கீளி Kili	May, June and August.
3. சுரு Shark	June to September.
4. நகரை Nagarai	May to September.
a சென்னகரை Sennagarai	May and June.
5. வுடகம் Wudagam	May to August.
6. சிலா Sila	May to September.
a வரிசிலா Vari Sila	September.
b தொரையச்சிலா Thorayan Sila	Do.
c தெய்யீச்சிலா Neyemeen Sila	Do.
d தாளம்சிலா Thalom Sila	June and September.
7. திருக்கை Tirukai	May to September.
a செத்திருக்கை Senthirukai	May and September.
b புவாதிருக்கை Puvathirukai	August and September.
c ஆடாதிருக்கை Adathirukai	September.
d கிருபுள்ளிதிருக்கை Sirupullithirukai	Do.
e கருவாதிருக்கை Karuvathirukai	Do.
f மண்திருக்கை Munthirukai	Do.
g புலியன் திருக்கை Pulianthirukai	Do.
8. குதிப்பு Kuthippu	May, June and September.
9. வெங்கணை Venganah	May, June, July and September.
10. கரால் Karal	May to September.
a தட்டுகரால் Thattukaral	September.
b மெனக்கட்டிகரால் Menaikutti Karal	Do.
c பொட்டுகரால் Pottukaral	May.
d கொளுங்கரால் Kolungaral	September.
11. கட்டா Kattah	May and September.
12. தோட்டா Thottah	May, June and September.
13. சூடை Sudai	May to September.
14. குமுளா Kumula	May to July and September.
15. கலவா Kalva	May and September.
16. மெரால் Moral	June to September.
a புள்ளைமெரால் Pullaimoral	May and September.
b வாலைமெரால் Valai Moral	September.
17. பாரை Parai	May to September.
a செங்கணிபாரை Senganiparai	May, June and September.
b முட்டபாரை Mottaparai	June, July and September.
c குளிபாரை Kuliparai	September.
d சூபாரை Suparai	August and September.
e தெய்பாரை Neyiparai	September.
f கல்லன்பாரை Kallanparai	Do.
g கன்னடியன்பாரை Kannadiyenparai	Do.
h சுள்ளியன்பாரை Sulianparai	Do.
18. காலை Kalai	May to September.
a கட்டிகாலை Kattikalai	August and September.
19. மணலி Manali	May and June, August and Sept.
20. திரியா Theriya	May, June, July and September.
21. வெளா Vela	May and September.
22. கெளுத்தி Keluthi	May to September.
a நெடுமுகன்கெளுத்தி Nedumungan Keluthi	September.
b மாந்தான்கெளுத்தி Manthan Keluthi	Do.

List of Fishes.—(Continued.)

Fish caught at the Attankarai fishery between the months of May and September 1873.				Months in which the Shoal appear.
c அடசல்கெருத்தி	...	Adasal Keluthi	...	September.
d பணயன்கெருத்தி	...	Panyan Keluthi...	...	Do.
23. கிலாத்தி	...	Kilathi	...	May.
24. வுளுவை	...	Ooluvai	...	May, June and September.
25. வுள்ளம்	...	Woollam	...	May to August.
26. சிரையா	...	Siriya	...	May, June and September.
27. பூவாலி	...	Puvali	...	Do.
28. குடைகுத்தி	...	Kudikuthi	...	June to September.
29. சிங்கி	...	Singi	...	June, July and September.
30. நெத்திலி	...	Nethili	...	June to September.
31. வாவல்	...	Vaval	...	August and September.
a கருவாவல்	...	Karuvaval	...	July and September.
b செவ்வாவல்	...	Sevvaval	...	September.
c வெள்ளவாவல்	...	Vellavaval	...	Do.
32. லுளா	...	Ulah	...	August and September.
33. கத்தாளை	...	Kathalai	...	August.
34. பன்னா	...	Pannah	...	Do.
35. சூரை	...	Surai	...	September.
36. கொமராயன்	...	Komarayan	...	August and September.
37. நாய்மீன்	...	Noymeen (dog fish)	...	September.
38. தேளி	...	Theli	...	Do.
39. கெலகான்	...	Kelakan	...	Do.
40. பெராமீன்	...	Porameen	...	Do.
41. பாண்டல்	...	Pandal	...	Do.
42. லெத்தி	...	Lethi	...	Do.
43. செங்கணி	...	Sengani	...	Do.
44. கொடுவா	...	Koduva	...	Do.
45. கிடாத்தலையன்	...	Kedathalayan	...	Do.
46. குடரு	...	Kudara	...	Do.
47. ஓரா	...	Ora	...	Do.
a குருவிஓரா	...	Kurivi Ora	...	Do.
b வெள்ளஓரா	...	Vella Ora	...	Do.
c கணவாஓரா	...	Kanava Ora	...	Do.
48. சிக்கணா	...	Sikkana	...	Do.
49. மதனம்	...	Mathanom	...	Do.
50. கடலாரு	...	Kadalarah	...	Do.
51. செப்பிலி	...	Seppali	...	Do.
52. உருளா	...	Urula	...	Do.
53. தோலி	...	Tholi	...	Do.
54. கடல்மீரு	...	Kadal Meera	...	Do.
55. கடல்வீரல்	...	Kadal Veral	...	Do.

(Signed) M. RAMASAMY MUDALIAR.

Deputy Collector.

(True Copy.)

(Signed) W. McQUHAE,

Collector.

MUTTURAGUNADAPATAN, }
 17th February 1874. }

Submitted to Government with reference to G. O., dated 14th March 1873, No. 313.

2. The Board suggest that the papers be communicated to Dr. Day. They agree with the Collector that no special measures need be adopted with reference to the Attankarai fishery. The subject of selling salt at a cheap rate for salting fish is separately engaging attention. The Superintendent of the Museum might be requested to identify the fish of which vernacular names are given by the Deputy Collector.

Order thereon, 27th April 1874, No. 512.

The Government concur with the Board in thinking that no special measures are required.

2. The correspondence will be forwarded to Dr. Day and to the Superintendent of the Government Museum. Dr. Bidie will be asked to name any of the fish of which he desires specimens.

(True Extract.)

(Signed) C. G. MASTER,

Acting Secy. to Government.

COPIING OF INSCRIPTIONS.

Proceedings of the Madras Government, Revenue Department, 4th May 1874.

Read the following letter from A. C. BURNELL, Esq., PH. D., to the Hon. D. F. CARMICHAEL, Acting Chief Secretary to Government, Ootacamund, dated Mangalore, 6th April 1874:—

WITH reference to G. O., No. 51, dated 13th January last, I have the honour to state that I have carefully gone over the copies of inscriptions (returned herewith) sent me, and am decidedly of opinion that it is useless to get such copies at such a price.

2. One inscription only is of intrinsic interest, as it shows that the last great sovereign of the Vijayanagara dynasty, Krishnaraya, did actually visit Tirunamalai in A.D. 1516. It is certain that he restored most of the great pagodas in Southern India, but this inscription seems to indicate that the South Arcot District was under his rule.

3. The rest of the inscriptions would be interesting for paleographic purposes, were they facsimiles; as they are, they are valueless.

4. I have no doubt that more important inscriptions exist at Tirunamalai, but I am quite certain that no Brahman can be found to read them. Of such inscriptions photographs or estampages only would be of use.

5. I trust that the failure of this attempt will not cause neglect of this very important inquiry. I would respectfully suggest that it should be continued elsewhere, but that only copies made by means recognized by Archaeologists should be procured. All others (like

these) are scientifically useless. Repeated experience has shown that copies made by free-drawing, or read off and written in a current hand, are entirely untrustworthy even in the case of legible and modern inscriptions, and still more in the case of those in obsolete characters.

6. I much regret that I have not yet been able to report on the other copies of inscriptions sent to me. My catalogue of the Tanjore MSS. absorbs all my spare time (which is very little), but I hope to do so shortly. Meanwhile, I can only suggest that no time be lost in securing proper copies of important inscriptions, and that Collectors be informed that copies like those already sent are useless as well as fancy translations, several of which I see in the Government Proceedings.

Order thereon, 4th May 1874, No. 535.

His Excellency the Governor in Council resolves to circulate the foregoing letter for the information and guidance of local departments, in continuation of G. O., 14th December 1871, No. 2,108, Revenue Department.

2. For convenience of reference, an extract from Mr. Burnell's Pamphlet on the best way of making and utilizing copies of Indian inscriptions (recorded in G. O., 23rd November 1870, No. 367, Educational Department) is printed below, and the attention of officers is requested to the methods therein described.

3. Important inscriptions, such as that mentioned in paragraph 2 of Mr. Burnell's letter, should be copied, if possible, in one or other of these modes if photographs cannot be taken.

4. The Government are much obliged to Mr. Burnell for his letter.

(True Extract.)

(Signed) C. G. MASTER,

Acting Secy. to Government.

Extract from Mr. Burnell's Pamphlet on the best Way of making and utilizing Copies of Indian Inscriptions.

The first question is, how to make the copies? Many ways have been tried: rubbings by heel-ball on paper, impressions on linen made by a pad daubed with printing ink, sketch drawings, photographs, &c., &c. Considerable experience* and a number of experiments have convinced me that all these methods are defective, and that only two ways are really trust-

* Cf. Also the remarks of Prinsep and Mill, and recently of Dr. Bhau Daji, as to the great alterations in the translations required by improved transcripts of inscriptions long known and published. The great objection to photography as a means of re-producing inscriptions consists in the imperfections of the paper used and the difficulty (or impossibility) of managing the light.

worthy—one applicable to inscriptions on stone, and the other to those on metal.

2. Firstly, for inscriptions on stone, I recommend impressions on stout, unsized paper, such as is now manufactured at Paris for the use of Egyptologists. The inscription must, first of all, be quite cleared of dust or mud or other obstructions, and this may be best done by a hard clothes-brush. The paper is then to be rapidly but uniformly wetted in a tub of water, and applied to the inscription, and forced into the irregularities by repeated and forcible strokes with a hard brush; an ordinary clothes-brush is as good as any for the purpose. If the stone be clear of dust, the paper adheres, and when dry falls off, forming (if at all well done) a perfect mould of the inscription. Paper large enough to cover most inscriptions is easily to be had; in the case of very large ones, it is necessary to lap over the edges of the sheets, and apply a little gum and water or weak paste to them; and also to prevent those sheets first applied from falling and thus spoiling the rest, a few poles or sticks leaning against the corners in large inscriptions, or the gum used for joining will be found enough. When properly dried copies made in this way (in French, "estampages") may be rolled up or put in blank books without the slightest injury, and even will stand damp. M. Mariette-Bey and Dr. Brugsch both assured me in Egypt last year that they never found this plan fail.

3. The second process is applicable to inscriptions on plates of metal; I devised it several years ago, and never found it fail. The plate or plates should be carefully cleaned with a dry brush, and the letters occasionally must be cleared out with a blunt graver. The native process of rubbing the plates with acid and then putting them in the fire to loosen the encrustations should never be resorted to, as it invariably injures them fatally. From the cleaned plate an impression (reverse) is to be next taken by passing a roller charged with ink over the plate, and the printing from it as from an ordinary copper plate. From this impression another may be taken by means of an ordinary copper-plate press; and, with a little practice, a perfect facsimile may be thus obtained, the letters being white and the rest of the plate appearing a dark grey. Photozincography and many other methods exist by which "estampages" and facsimiles made by the last process may be multiplied to any extent.

MISCELLANEOUS.

AGRICULTURE IN EUROPE.

PARIS, February 21.

THE first annual show of fat cattle since the war and the rinderpest has just been held in Paris. It was a success beyond expectation. Excepting in the case of calves, of which on the present occasion there were none, the entries corresponded with those of the year 1854, and were one-third less than in 1870. Two distinct facts have been developed by this exhibition—remarkable improvement in the breeds of cattle, notably crossings with the Durham race, and a tendency to secure the qualities of precocity and mean size. The end of all industry is profit, and there is a law, such land, such stock, that cannot be violated. It is a theory more seducing than accurate—in France at least, that the value of an animal is in proportion to its weight. Climate and soil are agencies, however, that must be taken into account. Large-sized, heavy stock, is possible in England, but not as a rule perhaps for France. For example, the butchers—a class that farmers must listen to—prefer an ox 16 to 18 cwts.; rather than one of 22 or 24 cwts. The former weight also will command at least one franc more the hundred weight. In the case where the soil is poor and pasturage scanty, sheep are reared, and in time passed on to richer districts—in the north and west, to fatted. The best sheep for the Paris market, which finds the readiest sale and highest price, is that which weighs only $\frac{3}{4}$ cwt. Legs of mutton 20 lbs. in weight, and cutlets $1\frac{1}{2}$ lbs. are not at all in demand. Beef to make soup, is the chief flesh diet for the working classes, then pork; mutton rarely. Heavy joints of the latter can but be disposed of in hospitals, schools, and barracks, where contract prices only are allowed. Hence, the precocity and food of animals must not only be considered, but also the exigencies of the butchers' customers. Thus, the chief objection against South-Downs is their weight. Three sheep weighing each $\frac{3}{4}$ cwt. will realize one-third more in total price, than a single sheep weighing $1\frac{1}{4}$ cwt. The South-Down has its advantages not the less, as it has one-third less development of flesh in the region of the shoulders and breast, than any other breed of sheep in France. The display of implements was very satisfactory, and indicated that in a few years home manufacturers will be able to supply all the wants of France.

The relinquishing of the naked fallow, and the deeper cultivation of the soil, will give an impetus to the use of machinery. The action of light, air, and heat on the soil, is only now commencing to be accurately studied. So im-

portant is the rôle of the sun in the economy of life, that Professor Tyndall asserts, "plants and animals are children of the sun." Humus plays an important part in the mechanical, as well as in the chemical conditions of vegetable nutrition. When the air cannot freely enter the soil, owing to its natural stiffness or insufficient deep tillage, humic acid is produced, which is not beneficial. Humus is useful only when it can act, in producing those phenomena of fermentation so mysteriously connected with the plant's life. It is more essential in cold and elevated latitudes than in the contrary. Being black it warms the soil; it binds loose soils, and loosens tenacious clays; acts in a sense like lime. The presence of humus is not at all a consequent evidence of fertility; it is power of work, in a word, that constitutes its value. In the case of heavy clays, a series of wet seasons tend to produce an excess of humic acid; to remove this injurious acidity, lime is added, or the culture of oleaginous plants in a rotation secures the same end.

Dr. Hofmeister, of the Veterinary School at Dresden, has been conducting a series of experiments to test, if the addition of oil, in the proportion of $\frac{3}{4}$ lb., to 20 of hay, increased the digestibility of the food and its assimilation. The effect was really only remarkable in the case of dried clover; meadow hay gave no results. But in the case of clover even, the oil only imparted so much facility in being digested, as if the clover had been freshly cut—restored thus a lost quality. When clover hay has been well saved, and not kept too long, the addition of oil or other fatty matters, is not worth the outlay.

The arrival of spring, when the agriculturist has want of so much manure, may explain the discussions taking place on commercial fertilizers and manures in general. A few good principles to remember; that agriculture ought never to neglect any substance capable of increasing the produce of the soil; that commercial manures, whether artificial, like sulphate of ammonia, &c., or natural, like guano or nitrate of soda, ought only to be viewed as supplemental fertilizers, to make good what the farm itself cannot produce and repay the soil; that only the "marvellous" manures announced should be received with suspicion, and that while analysis can reveal the richness of a manure, it cannot prescribe authoritatively for all the wants of the soil. Since the supply of Peruvian guano has ceased to create anxiety as to possible exhaustion, manufacturers of other manures are not in the best of humors at having to lower prices, which they raised in 1872, sulphate of ammonia, 75 per cent., utterly regardless, that there was a point at which even gold could be bought too dearly. The English company which has the concession of the feculent matters of Paris, is rapidly

manufacturing *poudrette* and sulphate of ammonia at moderate prices. Boussingault and Chevreul remind us, that when chemistry reveals 10 per cent of nitrogen in sulphate of ammonia, and the same percentage in guano, *poudrette*, and farm yard manure, equal power of fertility must not be imagined, as the latter substances are still the more valuable, no doubt owing to the influence of the other organic, but non-azotized matters. It is sound practice to rotate manures as well as crops. In the north of France nitrate of soda alternates with phospho-guano, both being aids to farm yard manure. The used chrysalis of silk-worms has appeared as a manure; pressed like oil cake, and guaranteed to contain 10 per cent of nitrogen, it sells for 10 fr. per cwt.

An important sheep-farmer draws attention to the bad practice of hiring out rams; recommends that it is a better arrangement to sell or buy a ram, than hire out his services. Often on returning, the animal from his promiscuousness brings the scab to the flock, and from overtaxed services ceases to have the power of reproduction, or imprints that power so feebly, that it is the blood of the mother which dominates in the offspring. Those who aim for a breed of sheep with aptitudes of precocity should avoid the hiring of rams.

It is necessary to keep in mind, that deodorizing is not disinfecting. Chloride of lime, verdigris, and copperas, are efficacious for the purposes of the former. But for disinfecting a stable, killing contagion, nothing can surpass steam and boiling water, if they can be laid on. Failing this remedy, burning sulphur, and enclosing the fumes for three hours is excellent, following up, by a washing of the walls and utensils with a solution of carbolic acid and copperas; whitewashing the walls ultimately, not forgetting to throw some chloride of lime into the wash. This is the infallible remedy that science and experiment concur as capable of destroying every virus.

M. Renaud draws attention to the condition of ponds and ordinary drinking places for cattle; asserts that when the latter prefer impure to pure water, such indicates a tendency to coming disease, and that may generally be averted, by supplying the animal with salt. Foul water is as unfit for cattle, as for man. A pig for example will often leave its proper food to root up and devour that part of the litter most saturated with its own urine. Such is ever the evidence of a threatening disease, and necessitates sparing meals, a little anti-mony, and a regular supply of salt.—*Agricultural Gazette of India*, 30th April 1874, p. 225.

CHOICE TABLE BUTTER.

[BY THE HON. CLARK KING.*]

In order to make a choice tub of butter, at all times see that your cows are provided with the best kind of food for that purpose. In summer when your cows are at the pasture, let them have the best pasture you can provide. As a rule, a dry pasture which lies high and rolling produces the best grasses for butter making; it makes a yellow, fine-grained, sweet tub of butter, while a low, swampy pasture, full of foul grass, and bushes, makes a much poorer grade. Such pastures are not fit for the dairy. A moist pasture, if not too wet, may produce a good quality of grass, and in such pastures good butter can be made; but my experience, after dealing in butter some ten years and manufacturing butter during this time, has taught me that a dry pasture, producing sweet qualities of grass, is the kind for dairying. At this season of the year, when the cows are stabled, and during the spring, when the cows are giving milk, give them the very best quality of early cut hay, and a fair amount of meal, each day. Corn meal, is the best, and any green fodder roots which are of good flavour will also be good to feed them when giving milk.

Give your cows warm stables, milk as regularly as possible, and milk clean. After the milk is drawn set it away, after it is thoroughly strained, in a good milk room, which must be kept sweet and clean. All odours, from whatever source, must be avoided, as cream on the milk is tainted very easily by smoke, cooking of various foods, odours from the sink and other places. The milk room should be kept at a high temperature for the cream to rise well in the cold weather, and in warm weather kept as cool as possible. Many times the cream will not half rise on account of the extreme heat, and a good share of it is thrown to the pigs.

There is no doubt but that the large, patent pans now coming into use, with pipes carrying cold water around them so as to cool the milk and take out the animal heat as soon as set for the cream to rise, will prove to be a great improvement. Those who have used them consider them an improvement, and say that they paid for first cost in one season. They made good butter during the hottest weather last summer, and a good cream rose all through the extremely hot, damp weather. I had several dairies of butter made from those pans and the cooling apparatus the past season, which proved to be excellent. Doubtless these pans for setting milk will soon come into general use by good dairymen, as thereby a great amount of labour is saved as well as good butter made.

Always skim your milk before the cream is thinned. As a rule, skim it just before it sours, or as soon as it begins to sour on the bottom of the pan. No time can be given to skim milk after it is set which will always be reliable, as milk rooms vary somewhat in temperature; but never fail to skim it while it is sweet and before it becomes tainted in the least. Here is where dairymen must not neglect the care necessary for producing choice butter. Here is where many dairymen make a mistake, in letting the cream stand on the milk too long; and the result is a common tub of butter—or even worse—i.e., a poor tub of butter which nobody wants.

After your cream is taken from the milk, churn it in good season, taking care always not to let it stand too long before churning. Use a churn with as little machinery as possible. The plain churn, with the least number of floats, is the best for manufacturing solid butter.

Never salt your butter too much. 1 ounce of salt to 1 lb. of butter is enough for butter made to keep through the season, while from $\frac{1}{2}$ and $\frac{3}{4}$ to 1 ounce is enough for the market, when the butter is soon to be used. In fact, light salted butter commands the highest price where it is sweet and new, and this is a fact for good dairymen to be sure to remember.

The working is another very important part to be performed in the manufacture of butter. Great care must be used to work it enough and then stop; and to do this requires close attention. Before working the butter, it should be thoroughly washed in good, pure water, until you can see that you cannot do much more to cleanse the buttermilk from the butter. As a rule, I find the finest butter where the maker works the butter twice before putting the same into the tub for market. The butter is taken from the churn and salted, and worked enough to thoroughly work in the salt, then set away over night, the next morning taken up and worked until it is clear from buttermilk. Then it is ready for use, either to send to market, or to keep through the season. I consider the use of a butter-worker the best mode of extracting the butter-milk, although fine butter can be made by working with the hands, if they are not so warm as to injure the grain of the butter. A sponge can be used with good success in connexion with the butter-worker, to soak up the moisture in the process of working. After your butter is ready to pack, get a nice clean tub or box to pack it in, as a clean package is always desired by the purchaser. Never put good butter into an old, dirty tub, but give your butter the best tub the market affords. It will pay well in the end, and will be money well expended.

After you have succeeded in making a choice tub of butter, it is always wanted at good prices in the market, and you can readily find

* Read before the Agricultural Meeting at Waitsfield, U. S.

a purchaser for all you can manufacture, from the fact that so little excellent butter is made at present. A choice tub of butter at this time is sold for 40 cents in the market, while a good fair tub brings 35 cents per pound, and a common one 30, a poor one 25, and so on, down to grease prices. A difference of 5 cents per pound is well worth a good amount of time spent to make a choice article. As there are over 100,000 cows kept in the State of Vermont, and the annual product of the same will average 150 lbs. from a cow, or more, let us calculate the difference of 5 cents a pound on the whole amount made in the State. Reckoning 150 lbs. to the cow, 15,000,000 lbs. would be manufactured annually, and a difference in price of 5 cents per lb. would make an addition of 750,000 dols. to the annual wealth of our State—a fine increase to record in the manufacture of butter. If we only take as much pains in this branch of farming as we have to improve our breeds of sheep and cattle, the thing will be done; and when once done, it will pay so well, there will be no danger of a re-action as in the sheep business, from the fact that every tub of choice butter is at all times in demand at good prices, there not being enough of such butter made at the present time for the consumer. And to review what I have said in detail, allow me to say, keep no poor cows, and only those that make good firm yellow butter. Keep them well, both summer and winter. Use great care in cleanliness in every stage of the manufacture of this product. Have a good milk room, keep it perfectly sweet and clean, and follow the best modes of making good butter; and if you do not succeed, then go to those who do succeed, and find out their method, and in the end you will certainly come off victorious. And now, brother farmers and dairymen, let us all resolve to accomplish the art of making choice butter.—*Idem*, p. 242.

OLIS AND THEIR USES.

THE principal fixed oils of commerce and manufactures are the following:—Sperm whale, from *Physeter macrocephalus* right whale, from *Balæna mysticetus*; elephant whale, from *Balænoptera antiquorum*; seal, from *Phoca vitulina*; walrus, from *Trichechus rosmarus*; cod, from *Morrhua Americana*; menhaden, from *Alosa Menhaden*; olive, from *Olea Europea*; lard, Nos. 1 and 2; Elaine, or Red oil; tallow (stearine, palmatine, and olein); petroleum; cotton seed, from *Gossypium Barbadosense*; linseed, from *Linum usitatissimum*; palm, from *Elais guineensis*; rosin, from *Pinus Australis*; hemp-seed, from *Cannabis sativa*; sunflower, from *Helianthus Annuus*; castor, from *Ricinus communis*; rape-seed, from *Brassica napus*; ground-nut, from *Arachis hypogæa*; poppy-seed, from *Papaver somniferum*; colza, from *Brassica*

campestris. There are besides a large number of fixed oils less used and obtained in smaller quantities from certain nuts (these yield about fifty per cent of weight in oil), kernels, seeds, roots, barks, and plants and birds, which would be tedious to name.

Seal oil is largely increasing in quantity and importance. The principal fisheries are on the coasts of Labrador, Greenland, and Alaska. To give an idea of the large catches which sometimes take place, a recent account may be cited from St. John's Newfoundland, the head-quarters of this business. the steamer *Eagle* discovered a herd of more than 200,000, mostly "baby" seals, one year old, so that every available place in the hold and on deck was crammed with blubber pelts. The hunters slept where they could—on the piles of frozen skins, in barrels on deck, or on the floor of the fore-castle, between walls of fat. The arrival of five small steamers was also recorded, all on the same day—total value, 397,200 dollars—besides five sailing vessels, which brought 28,000 fat pelts. It is to be feared that indiscriminate slaughter will soon diminish this supply, as it has already the whales; and it is difficult to imagine what would have been the state of manufactures at present if lard oil and petroleum had not come to our aid.

The mode of obtaining oil from whale and sea blubber is by boiling, or by mechanical pressure only, in coarse bags, under hydraulic or screw presses. For No. 1 lard oil mechanical pressure only is now used, the old processes with sulphuric acid and distillation being abandoned. No. 2 lard oil is made on a large scale at Cincinnati and Chicago by putting the whole hog, except the bristles, into strong, tight cauldrons, into which superheated steam at an immense pressure is admitted. The bones, flesh, entrails, &c., are thus dissolved into a pasty mass along with the fat, and afterwards pressed to obtain the oil. The colour is light brown, body heavy, and the smell generally disagreeable. If allowed to stand in barrels or tanks, a dark, fetid deposit is made. The hogs thus used are often diseased, or inferior in some way. The oil usually sells at from 3d. to 6d. per gallon less than No. 1.

In obtaining olive oil, the finest quality (*Huile vierge*) is made by pressure of the whole olive, just sufficient not to crush the seed. The oil falls into water cisterns, whence it is skimmed from the surface. A second quality (*Huile ordinaire*) is made by harder pressure of the same pulp, mixed with hot water; and a third kind (*Huile d'Enfer*, so called from being soaked a long time in large vats under ground), by additional pressure of the same remainder, after long soaking and complete crushing of the seeds. It has been proved by the success of a planter on the island of St.

Simons, on the coast of the State of Georgia, that the olive can be profitably grown on the United States. From 250 trees he obtained an average of five gallons per tree.

Pure poppy oil (from *Papaver somniferum*) is of a greenish yellow, has a pleasant, almond-like flavour, and greatly resembles olive oil, for which it is often substituted. It is also used as an adulterant of the former, and—unless added in large quantities—is most difficult of detection.

The aggregate quantity of cocoa-nut oil, rudely made in Asia and the Pacific Islands, is very large. Little of it reaches the American market, but much goes to Europe. It is mostly consumed by the natives, being burned lavishly for light in vessels partly filled with water, having the oil floating, and one or two porous sticks serving for wicks, and is also used for many other purposes. Like olive oil in Syria, it is butter, lard or oil, according to circumstances, in cooking. It forms the basis of soaps, and is used for making perfumes and cosmetics.

Castor oil, although of modern introduction, was well known to the Egyptians and Greeks—the latter calling it croton—a name now bestowed on another genus of euphorbiaceous plants, one of which yields the *oleum tiglii*, a strongly purgative oil. Castor oil is largely used for burning purposes in the East, Italy, and France, and in Europe and the United States in pharmacy, the manufacture of perfumery, and for lubrication. Considerable quantities of the bean are produced in India. The leaves of the Palma Christi (*Ricinus communis*), from the seeds of which castor oil is obtained, are now extensively used in Algeria as food for some silkworms.

It may not be generally known that a great quantity of oil is obtained from birds. The fulmar, which breeds in immense numbers in the Hebrides islands, and various other parts of the northern latitudes, furnishes a large proportion of the supply. The oil has a specific gravity of .992, is of a bright red colour, penetrating odour, and in pathological qualities much resembles cod-liver oil. The penguin of the Falkland islands yields the largest amount. One schooner has been known to obtain 25,000 to 30,000 gallons in five weeks. This statement is vouched for by an American paper, and as it requires eleven birds to furnish one gallon of oil, that quantity demanded the destruction of about 275,000. This oil is mostly sent to London, and is used for little else than dressing leather. The dusky petrel of New Zealand, the frigate-pelican, the ostrich, the cassowary, and the goat-sucker of Trinidad all yield in the aggregate a large quantity of oil, much of which does not enter into commerce, but is consumed by the natives, who extract it by rude and wasteful processes.

All the seed-oils are made from seed first crushed between two heavy rollers called a "Dutch mill," and then ground under two pairs of granite stones, five to seven feet diameter, revolving in a circle, as well as on their axes. The pasty pulp thus formed is enclosed in an inner woollen and another horse-hair sack, and the oil usually extracted in a "Dutch stamping press," which is formed by a number of heavy wedges, each of about 600 pounds weight, placed side by side in cases just fitting the sacks, and actuated by cams on a horizontal shaft, giving a lift and fall of from sixteen to twenty-one inches. The dry oil-cake is an excellent food for cattle, and forms an important article of commerce.

The bleaching of oils is most cheaply effected by exposure to the sun-light in shallow pans—the use of alum, bichromate of potash, or other drugs for this purpose being injurious.

The immense consumption of oils, together with a deficient supply of sperm, whale, olive, and some other kinds, has caused extensive adulteration, and some singular compounds. In certain cases the combinations are of no disadvantage, and are known to the buyer or consumer; but as regards sperm and olive oils particularly, any mixture is disadvantageous, and would never be desired by the user. The same, though with less force, may be said of lard oil, where common whale or cotton-seed oils are added to cheapen the article, but this greatly increases the danger of spontaneous combustion in manufacture.

The adulterations already alluded to afford so many facilities difficult of discovery, and are practised to such an extent in Europe and America, as often to deceive the most experienced dealers; and it is almost as impossible to obtain strictly pure sperm and olive oil as veritable port wine. Large quantities of No. 1 lard oil were formerly exported from the United States to England and France, with the special object of being mixed scientifically with a moderate proportion of olive oil and certain compounds, to give the peculiar taste and greenish hue, and were returned in bottles as the best salad oil.

The vast production of petroleum oils during the past ten years has caused the making of many kinds of engines, machinery, and wool oils, the best of which—and some of them are really excellent lubricants (quite equal to sperm oils for certain work)—are composed of 25 to 30 per cent of refined petroleum, and 70 to 75 per cent No. 1 lard oil. The best of the latter is so gummy in nature that an addition of six gallons of refined petroleum to the barrel is a real advantage for any use, as it neutralizes the tendency to "gum" on the machines, which is sometimes exceedingly troublesome. Olive oil is the only proper oil for use in the worsted manufacture.—*British Trade Journal*.

THE PEARL OYSTER FISHERIES OF TINNEVELLY.

THE use of pearls as an ornament dates from great antiquity, and notwithstanding the numerous documents we possess on pearl oysters and their fisheries, we are still in the dark as to certain points of their history. Although we no longer share the belief entertained by Pliny and Dioscorides, that pearls are the production of the dew, we have scarcely an opinion that is not contradicted as to the nucleus of the pearl. The recent researches of Messrs. Kelaart and Jeffreys have, however, thrown some light on points which hitherto have not been elucidated, and the former, in his "Introductory Report on the Natural History of the Pearl Oysters of Ceylon," is of opinion that the pearl oyster may be carried away from its original bank and transported to a more suitable locality. Mr. Kelaart has observed that the pearl oysters detached themselves spontaneously from their point of adhesion in an aquarium where he had placed them, and that they fixed themselves to another part, not only once, but many times, at short intervals, so as thus to have changed places as often as twelve times in one month. He was able to keep his oysters in a glass aquarium for two or three days, and then throw them into the sea without their ceasing to live. He even succeeded in forming a colony of pearl oysters near Fort Frederick, in the open sea at different depths. The moment that a pearl oyster is introduced into an aquarium it collapses, but a few hours after it returns to life; after three or four days that portion of the byssus which remained fastened to the foot of the animal detaches itself; the animal then produces another byssus which fixes it to the spot where it is, or by means of a movement analogous to that of the snail seeks a more suitable spot, and fixes itself there by means of a new byssus, to which it spontaneously gives birth. The animal cannot detach its byssus from the rock, but it has the power of detaching it from its own body, and of reproducing another. Mr. Kelaart has observed that some oysters which had been thrown into the sea had adhered after a certain time to the surface of the rocks, and developed themselves in a normal manner at four or five feet from the bottom of the sea. According to Mr. Kelaart there is then no reason why pearl oysters should not like mussels and common oysters, live and develop themselves on artificial banks, and become a source of great revenue to the State, or be of great profit to those who would undertake to make new banks. The English Government has installed at Tuticorin an establishment for the artificial culture of pearl oysters, with a view of improving the fisheries of Tinnevelly. These fisheries are so little known in Australia that we think it necessary to give some account of

them, which we have borrowed from a pamphlet read by Mr. Markham at the meeting of the Society of Arts, in 1867, being the result of an inspection of this fishery made by him in the spring of 1866:—From time immemorial the pearl oyster fishery of the strait which separates the island of Ceylon from the peninsula of India has been renowned throughout the old world, and has rivalled the well-known fishery of Bahrein in the Persian Gulf. Opinions differ as to the respective worth of the pearls of these fisheries. Tavernier, writing in 1651, gives the preference to those of Ceylon, but relates that a single pearl from the Bahrein banks sold for £11,000 of our money. Later, the banks of Rio de la Hacha, of Margarita, of Cubagua, and of Panama, in America, have afforded good harvests of pearls, but the banks of the Persian Gulf and the Gulf of Manaar have always been, and still are, the principal sources of supply of the old world. In the thirteenth century the pearl oyster fishery of Tinnevelly paid a considerable tribute to the Kings of Madura. The merchants and divers assembled at Betalar in April and May and the divers performed incantations to be preserved from the attacks of large fish whilst they were at the bottom of the sea. The so-called sorcerer is still paid by the Government of Ceylon to be present at these fisheries. In the time of Marco Polo the Sovereigns received a tenth and the divers a twentieth part of the product of the fishery. The great abundance of pearls obtained from Tinnevelly and the coast of Ceylon has excited the astonishment of all travellers who in olden times made the dangerous voyage from Europe to India. Captain Hamilton, who travelled in the East from 1688 to 1723, when the Dutch were masters of Tuticorin, says that a pearl fishery in that neighbourhood yielded an annual tribute of £20,000 to the Dutch East India Company. The Dutch appear to have fished too frequently, and without caring for the future. At Arippe, near Ceylon, they fished from 1667 to 1768 at short intervals. After their last fishing which took place in 1768, the oyster banks were left untouched until the first fishing of the English in 1796. After Tuticorin was occupied by the English there was, in 1822, a fishery which yielded the sum of £13,000 to the Indian Government. Between 1830 and 1856 there were thirteen inspections of the banks, and in each it was proved that the number of pearl oysters which had obtained a suitable development was not sufficient to make a profitable fishery; consequently no fishing was attempted. During the same lapse of time the condition of the fisheries near Ceylon was much more satisfactory. From 1796, when the English first fished at Arippe, until 1809 the product was £517,842; from 1828 to 1837 it was £227,131, and from 1855 to 1860 it was £117,153. In

1859-60 one of the two principal banks of Ceylon (the "Modrigan") furnished twelve millions and the "Horde bridge" sixty millions of shells! The unsatisfactory state of the oyster banks of Tinnevely from 1830 to 1856 has been attributed to various causes. Captain Robertson, the last overseer appointed to inspect Tuticorin thought that the widening of the "Paaniben Pass," which caused a strong current to flow on the pearl oysters prevented them from adhering to the rock, and that the boats employed to fish the large oysters called "chanks" had injured the pearl oysters by casting their anchors on the banks; whilst the native divers attributed the state of the banks to the pernicious influence of two other bivalves called Soorum (Modiolo) and Bullikoz (Avicula). However it may be an inspection made in 1856, by Captain Robertson, shows that these banks were in the most satisfactory condition, and that four other banks near Tuticorin were covered with young oysters, which in 1860-61 would have been sufficiently developed to be fished. The Government of Madras decided that all necessary precautions should be taken to prevent any damage being done to the banks during the interval. Vessels were sent to protect them from marauders, and the "chank" fishing stopped. Captain Phipps succeeded Captain Robertson, and under his auspices the fishery of 1860 was commenced, the first attempted since 1830. The fishery of 1860 commenced 7th March, and the sale of that portion of the oysters coming to the Government took place by public auction; the price rose gradually from 15 to 40 Rupees per thousand. 15,874,500 shells were sold, giving to the Government a clear profit of more than £20,000 after defraying all expenses, as also the share allotted to the divers. In 1861 the results were equally satisfactory; but in 1862 the inspection of the banks led to a cessation of the fishery, which was not revived until 1866.

The production of pearls is a point upon which "savans" have long disagreed, and various explanations have been given to account for the nucleus round which the pearl is found. Mr. Kelaart, who has given the greatest attention to this subject, suggested the idea that the eggs which escape from the distended parts of a too strongly developed ovary, might fix themselves in the interstices of the fish, and thus become the nucleus of the pearls. But Mr. Jeffreys, in his "Report to the Secretary of State for India," says that by sacrificing a few pearls and dividing them into sections, and by examining each section with a microscope, he discovered that the nucleus was formed by an animal, although this is a difficult matter to prove when animals are so diminutive, particularly as the division of the pearl into sections must necessarily entail the loss

of some of its parts. According to Mr. Jeffreys, pearls are produced by the presence of small crustaceous parasites, which adhere strongly to the oyster and cause an irritation. The pearl oyster wishing to disencumber itself of this, stifles it under a pearly matter of the same nature as that which lines the interior of the shell; the gradual superposition of one layer on the other in concentric order determines the foundation of the pearl. The shape of the pearl naturally depends upon that of the nucleus. The parasites are of different species; some are spherical, others oval; they may be found approaching sufficiently near to each other to form a double or irregular pearl. Pearls are sometimes found in the pearly covering inside the shell, but with few exceptions they are of a very bad shape.

Banks of pearl oysters are found in the open sea near Tuticorin and Tricheendoor; they are about 6 to 8 miles from the coast, and at a depth of from $5\frac{1}{2}$ to 8 fathoms below the surface. Each bank bears a name by which it is known to the divers. The banks are composed of rocky masses rising in places from a sandy bottom, and are probably exposed to the current of the ocean which in carrying with it the sand from the interstices of the rocks often destroys the oysters to a considerable distance. A dead fish exercises a pernicious influence upon all that surrounds it, and more than this, the pearl oysters share the banks with other inhabitants, some of which are undoubtedly injurious to their well-being. Amongst the bivalves which are most commonly met with is a large "Puino" (called by the natives Arkoe) and the Soorum and Bullikoz before mentioned. The divers think that the two latter are really dangerous enemies to the pearl oyster. Mr. Jeffreys is not of this opinion; he admits only that when these shell-fish are in too great numbers they can stifle the pearl oyster, acting the same part as weeds do in a garden. Their food is the same as that of the pearl oyster, and is composed of microscopic animals, of which a great number exist within their reach. The pearl oysters appear also to have a great enemy in the large "chank" (*Turbinella rapa*), which is used as a trumpet in the worship of idols, and which, cut into circular segments, forms bracelets, which the women wear on their wrists. When the opportunity offers, the chanks, by means of their tongue, bore small holes in the shell of the oyster and eat the fish. Starfish of a white colour, spotted and fringed with crimson, are sometimes found on the pearl oyster banks, and, as they are believed to be injurious to the oyster, are removed by dragging.

The precarious and uncertain state of the Tinnevely fisheries must be attributed to carelessness and want of foresight, and the absence of any organized system upon a scientific basis. Here we have a valuable natural product which,

under certain conditions, might be the source of considerable wealth, were it not that a system of destruction has been inaugurated with the aim of an immediate gain. This is exactly what occurred in the case of the cinchona bark, in South America, and the teak forests of Malabar. The same general principles appear to be applicable to the preservation of forests and the management of a pearl oyster fishery. As a nursery of young trees forms an essential part of the forester's system, so in the opinion of Captain Phipps, a park of young pearl oysters would serve to fill the vacant spaces in the pearl oyster banks; and the method which has been adopted for the eatable oysters on the coasts of France and England serves to confirm this opinion. The principal external difference between the eatable and the pearl oyster, is that the former fasten themselves to the rocks and stones by means of a byssus, whilst the latter remain flat on the earth on their convex side.

Under the auspices of the Government of India, Captain Phipps has established a nursery of pearl oysters in a suitable spot in the bay of Tuticorin on a bank of from 3 to 7 feet deep, entirely sheltered from the surf, from current, and the flow of water. A portion of this bank, 450 in length by 8 feet in breadth, has been enclosed within walls composed of blocks of coral, strengthened with rows of piles. In the centre of the eastern wall an opening has been left of 8 feet in width, which can be closed by wooden doors. The construction of this park or nursery was commenced in November 1864, and finished towards the end of 1865. In due time a supply of spawn was collected and placed therein, until the oysters attained sufficient size to be transported to the open sea. Transporting into the open sea is necessary, because it is impossible to form an enclosed park sufficiently large to contain the number of shells that would be required for a remunerative fishery; and also because it is generally believed that the quality of the pearls depends on the depth and clearness of the water in which they are found. A single pearl oyster of 5 or 6 years of age does not contain less than twelve million eggs, and in the fishery of 1861 the total number of shells fished rose to sixteen millions, so that the number of young shells obtained annually in this park appears sufficiently abundant to provide for any scarcity in one or many other banks. It is during the period of its first development that the pearl oyster is most exposed to danger on the original banks; however, the artificial culture has this advantage, that the oyster will be exposed to these dangers during a much shorter time.—*The Journal of the Acclimatization Society, Paris.*

ACT OF THE GOVERNMENT OF INDIA.

THE following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 5th May 1874.

ACT No. XI of 1874.

An Act to amend the Code of Criminal Procedure.

For the purpose of amending the Code of Criminal Procedure; It is hereby enacted as follows:—

1. In Section 2, after Amendment of the 4th paragraph, the following shall be inserted (namely):—

“The cases in which the Police may arrest without warrant or not, in the case of each offence under the Indian Penal Code or any other law referred to in Section 8;

whether a warrant or a summons shall ordinarily issue in the first instance,

whether the offence is bailable or not, and the Court by which the offence is triable;

are indicated respectively by the 3rd, 4th, 5th, and 7th columns of the 4th Schedule hereto annexed.”

2. To Section 4, the following clause shall be added (namely):—

“In every part of this Code, except where a contrary intention appears from the context, words which refer to acts done extend also to illegal omissions.”

3. To Sections 18 and 36, the following words shall be added (namely):—

“or if he think further inquiry or additional evidence upon any point bearing upon the guilt or innocence of the accused person to be necessary, he may direct such inquiry or evidence to be made or taken.”

4. In Section 39, after the word “limits,” the following words shall be inserted (namely): “and may, with the previous sanction of the Governor-General in Council, declare any local area to be a District.”

5. To Section 42, the following clause shall be added (namely):—

“With the previous sanction of the Governor-General in Council, the local Government

may delegate, with such limitations as it may think proper, to any officer under its control, the power conferred by the 1st Clause of this section."

Amendment of Sections 44 and 47. 6. In Section 44, and the 1st paragraph of Section 47, the word "criminal" shall be omitted.

Addition to Section 46. 7. To Section 46, the following illustration shall be added (namely) :—

"Illustration.—A Magistrate of the 3rd Class having jurisdiction finds an accused person guilty but considers that he ought to receive a more severe punishment than imprisonment for a term of one month, or a fine of 50 Rupees. On recording the finding, submitting the proceedings and forwarding the accused to the Magistrate of the District, such Magistrate may pass a sentence on the accused including solitary confinement and whipping."

8. In Section 59, after the word "Court," the words "inferior to a Court of Session" shall be inserted.

Addition to Section 63. 9. To the 2nd paragraph of Section 63, the following words shall be added (namely) :—

"Provided that such direction be not repugnant to any direction previously issued under the 24th and 25th of Vic., Cap. 104, Section 15, or under Section 64 of this Code."

Proviso of Section 64 repealed. 10. In Section 64, the proviso shall be repealed.

Power to transfer criminal cases from one High Court to another. 11. After Section 64, the following section shall be inserted (namely) :—

"64A. Whenever it appears to the Governor-General in Council that it will promote the ends of justice or tend to the general convenience of parties or witnesses, he may, by notification in the *Gazette of India*, direct the transfer of any particular criminal case or appeal from one High Court to another High Court, or from any criminal Court subordinate to one High Court to any other criminal Court of equal or superior jurisdiction subordinate to another High Court.

"And the Court to which such case or appeal is transferred shall deal with the same as if it had been originally instituted in or presented to such Court."

Amendment of Section 75. 12. For the 2nd paragraph of Section 75, the following shall be substituted (namely) :—

"When the offence, or one of the offences, complained of is punishable with death or

transportation for life, the commitment shall be to the High Court.

"And where any person so committed is charged with several offences, of which one is punishable with death or transportation and the other with a less punishment, and the High Court considers that he should not be tried for the offence punishable with death or transportation, the High Court may nevertheless try him for the other offence."

13. In Section 186, for the words "charged before any criminal Court with an offence," the following words shall be substituted (namely) :—

"accused in any criminal Court of an offence."

Amendment of Section 195, Explanation III. 14. In Section 195, Explanation III, for the words "cannot," the words "shall not ordinarily" shall be substituted.

15. To Section 202, Clause 1, the following words shall be added (namely) : "unless the Magistrate is satisfied that such Government Pleader or other person is already aware of the commitment and the form of the charge."

Addition to Section 216. 16. To Section 216, the following explanation shall be added (namely) :—

"EXPLANATION III.—The charge shall be prepared as soon as the Magistrate is of opinion that a *prima facie* case has been established against the accused person, although the whole of the evidence for the prosecution may not have been completed."

Amendment of Section 222, paragraph (10). 17. In Section 222, for paragraph (10), the following shall be substituted (namely) :—

"(10). Insult with intent to provoke a breach of the peace under Section 504, and criminal intimidation under Section 506, of the Indian Penal Code."

Amendment of Section 231. 18. In Section 231, for "Section 472," the following words shall be substituted (namely) :—

"Section 33, Section 435, Section 472 or Section 474."

19. To Section 247, the following words shall be prefixed (namely) :

Amendment of Section 247. "The person conducting the prosecution shall then open his case, and"

Amendment of Section 249.. 20. For the 1st paragraph of Section 249, the following shall be substituted (namely):—

“When a witness is produced before the Court of Session or before the High Court in the exercise of its original or appellate criminal jurisdiction, the evidence given by him before the committing Magistrate may, in the discretion of the presiding Judge, be treated as evidence in the case, if it was duly taken in the presence of the accused person.”

Amendment of Section 263. 21. In the 4th paragraph of Section 263, after the word “verdict” the words “of the jurors or” shall be inserted; and for the 5th and 6th paragraphs of the same section the following shall be substituted (namely):—

“If the Court disagrees with the verdict of the jurors, or of a majority of the jurors, on all or any of the charges on which the prisoner has been tried, and considers it necessary for the ends of justice to do so, it may submit the case to the High Court. If the Court does so, it shall not record judgment of acquittal or of conviction on any of the charges on which the prisoner has been tried; but it may either remand him to custody or admit him to bail.

“The High Court shall deal with the case so submitted as it would deal with an appeal, but it may acquit or convict the accused person on the facts as well as law, without reference to the particular charges as to which the Court of Session may have disagreed with the verdict; and if it convict him, shall pass such sentence as might have been passed by the Court of Session.”

Amendment of Section 271. 22. For Section 271, the following sections shall be substituted (namely):—

Appeal from sentence of Sessions Judge. “271. Any person convicted on a trial held by a Sessions Judge may appeal to the High Court.

“An appeal may lie on a matter of fact as well as a matter of law, except where the conviction was in a trial by jury, in which case the appeal shall be admissible on a matter of law only.”

“271A. When any such person is sentenced to death, the Sessions Court shall give him a copy of the sentence and inform him that if he wishes to appeal, his appeal must be made within seven days; and the Court shall delay the transmission of the reference hereinafter required for a reasonable time

not exceeding seven days to allow of the appeal and reference being made at the same time.

“When it appears that the execution of the sentence should not be delayed, the Sessions Court may forward the reference at once, recording its reasons for so doing.”

“271B. Where the Judges composing the Courts of appeal, reference or revision are equally divided, the case, with their opinions thereon, shall be laid before another Judge, and such Judge, after such examination and hearing as he thinks fit, shall deliver his opinion, and the judgment or order shall follow such opinion.”

Amendment of Section 272. 23. In the 2nd paragraph of Section 272, for the words “and the rules of limitation shall not apply to appeals presented under this section,” the following clause shall be substituted (namely): “No appeal shall be presented under this section after six months from the date of the judgment complained of.”

Amendment of Section 274. 24. In the 2nd Clause of Section 274, the last twenty words shall be omitted, and to the section the following explanation shall be added (namely):—

“EXPLANATION.—A sentence by which imprisonment is awarded in default of payment of fine, is not a sentence by which two or more punishments are combined, within the meaning of the 2nd Clause of this section.”

Amendment of Section 276. 25. For Section 276, the following shall be substituted (namely):—

“276. If any person affected by a sentence or other order passed by a criminal Court desires to have a copy of the Judge’s charge to the jury or of any other proceeding not being the judgment or order provided for by Section 464, he shall, on applying for such copy, be furnished therewith provided that he pay for the same, unless the Court, for some special reason, sees fit to furnish it free of cost.”

Amendment of Section 278. 26. To Section 278, the following clause shall be added (namely):—

“In rejecting an appeal under this section, the Appellate Court shall not enhance the sentence.”

Amendment of Section 279. 27. To Section 279, the following words shall be added (namely):—

“and in cases under Section 272 where the Appellate Court decides to hear the appeal,

it shall also cause notice to be given to the respondent"

Amendment of Section 280, the following words shall be added (namely):—

"or order the appellant to be retried."

Amendment of Section 296, the words "Provided that" shall be omitted and the following words shall be added (namely):—"upon

the matter of such complaint or of which the accused person has been, in the opinion of the Court or Magistrate, improperly discharged.

"Provided that, if in the opinion of such Court or Magistrate, the evidence shows that some other offence has been committed by the accused person, such Court or Magistrate may direct the subordinate Court to inquire into such offence."

Amendment of Section 297, for the word "inconveniently" the word "incorrectly" shall be substituted.

Amendment of Section 298, the following shall be substituted (namely):—

"298. The High Court or the Court of Session may direct the Magistrate of the District, by himself or by any of the Magistrates subordinate to him,

"or the Magistrate of the District may direct any subordinate Magistrate,

"to make further inquiry into any complaint which has been dismissed under Section 147."

Amendment of Section 302, the following section shall be substituted (namely):—

"302A. In cases tried by any Court inferior to a Court of Session, where the accused person is sentenced to imprisonment, the Court shall forthwith forward him with a similar warrant for the execution of the sentence to the officer in charge of the jail of the District in which the trial was held :

"But where the accused person is sentenced to whipping, the sentence may be executed at such place and time as the Court may direct."

Amendment of Sections 311 and 312, after the word "Magistrate," the words "or a Superintendent of a Jail" shall be inserted.

And in the 1st and 2nd paragraphs of Section 312, after the word "Magistrate," the words "or Superintendent" shall be inserted.

Amendment of Section 322, the following words shall be added (namely):—"or grant a reprieve or respite in respect of such sentence," and the following clauses shall be added to the same section (namely):—

"This section applies to all punishments inflicted by the High Court. Provided that nothing herein contained shall be deemed to interfere with the right of Her Majesty to grant pardons, reprieves, respites, or remissions of punishment :

"When any fine or forfeiture is imposed on any person for any offence, the Governor-General in Council or the local Government may (subject to the provisions of Section 308) direct that a share or proportion of such fine be paid over to the prosecutor towards defraying his expenses, as the Governor-General in Council or the local Government thinks fit."

Amendment of Section 330, the following shall be inserted (namely):—

"If the witness is within the local limits of the ordinary original criminal jurisdiction of any of the High Courts of Judicature at Fort William, Madras, and Bombay, the Court dispensing with his personal attendance may direct a commission to any Police Magistrate within such limits, and such Police Magistrate shall have the like power to compel the attendance and examination of witnesses as he possesses for that purpose in cases pending before him."

And in the 3rd paragraph of the same Section, for the words "to which," the words "upon which" shall be substituted, and for the words "cause a return to be made," the words "shall examine the witness" shall be substituted, and after the word "Magistrate," the words "or Police Magistrate" shall be inserted.

And after the 4th paragraph of the same section, the following paragraph shall be inserted (namely):—

"After any commission issued under this section has been duly executed, it shall be returned, together with the deposition of the witness examined thereunder, to the Court out of which it issued ; and the commission, the return therefo, and the deposition of such witness may be used as evidence in the case and shall form part of the record."

36. In Section 379, the following words shall be omitted (namely):
 Amendment of Section 379. "by or under the direction of an officer in charge of a Police-station, or by a Police officer making an investigation."

37. In the 2nd paragraph of Section 398, for the words "accused person," the words "party or witness" shall be substituted.
 Amendment of Section 398.

38. In Section 418, before the word "trial," the words "inquiry or" shall be inserted;
 Amendment of Section 418.

and to the same section the following explanation shall be added (namely) :—

"EXPLANATION.—In this section the term 'property' includes not only such property as has been originally in the possession or under the control of any party, but also any property into or for which the same may have been converted or exchanged, and anything acquired by such conversion or exchange, whether immediately or otherwise."

39. To Section 425, the following clause shall be added (namely) :—
 Amendment of Section 425.

"The trial of the fact of the unsoundness of mind of the accused person shall be deemed to be part of his trial before the Court."

40. For the 1st sentence of the illustration to Sec. 451, the following shall be substituted (namely) :—
 Amendment of Section 451.

"A is convicted of an offence under Section 196 of the Indian Penal Code upon a charge which omits to state that he knew the evidence which he corruptly used or attempted to use as true or genuine, was false or fabricated."

41. For the 2nd paragraph of Section 464, the following shall be substituted (namely) :—
 Amendment of Section 464.

"The judgment or order shall be explained to the accused person or person affected by it, and on his application a copy thereof shall be given to him without delay free of cost and in his own language, if practicable, if not, in the language of the Court."

And to the 7th paragraph of the same section, the following words shall be added (namely) :—

"Where such error or defect is in a matter not affecting the merits of the case."

42. To Section 466, the following clause shall be added (namely) :—
 Addition to Section 466.

"In this section the expressions 'Judge' and 'public servant' shall be taken to have

the meaning assigned to them respectively by the Indian Penal Code."

43. Chapter XXXVI (*Of the Dispersion of unlawful Assemblies*) shall be deemed to apply to the towns of Calcutta, Madras, and Bombay, and the word "Magistrate" wherever it occurs in the said chapter, shall be deemed to include a Magistrate of Police.
 Chapter XXXVI applied to Presidency Towns.

44. To Section 503, the following words shall be added (namely):
 Amendment of Section 503. "And in case such penalty cannot be so recovered, the surety shall be liable, by order of such Magistrate, to imprisonment in the civil jail for a period not exceeding six months."

45. In Section 527, for the words "four hundred and twenty-one," the words "five hundred and twenty-one" shall be substituted.
 Correction of Section 527.

46. In the 3rd Column of the IVth Schedule to the Code of Criminal Procedure, opposite Schedule IV, Column 3, Nos. 323 and 428. "Shall not arrest without warrant," the words "May arrest without warrant" shall be substituted; and opposite No. 428, for the word "Ditto," the words "May arrest without warrant" shall be substituted.

47. In this Act, "Section" means section of the Code of Criminal Procedure.
 Interpretation of "Section."

And all references to the Code of Criminal Procedure made in Acts References to heretofore passed or hereafter to be passed shall be read as if made to such Code as amended by this Act.

(Signed) WHITLEY STOKES,
 Secretary to the Govt. of India.

Re-published by order of the Right Honourable the Governor in Council.

(Signed) D. F. CARMICHAEL,
 Acting Chief Secretary.

THE REVENUE REGISTER.

No. 8. MADRAS :—SATURDAY, AUGUST 15, 1874. [VOL. VIII.]

MANUAL OF THE NELLORE DISTRICT—III.

CHAPTER XVIII—*Revenue History*.—This chapter embraces the period from British assumption of the administration of the District to Mr. Elton's Collectorate, 1801 to 1858. It was contributed by M. C. S. and continued by Mr. G. T. Mackenzie, C. S. The first Collector of Nellore was Mr. Travers, who took immediate measures for securing the country and its revenues for the East India Company. The story of his collectorship is one continued narrative of worries and troubles. The initiation of a new order of things is always a disagreeable work, and those employed in it seldom receive either thanks or praise. The first settlement of Land Revenue was made in 1801, not as a permanent settlement but as a tentative measure, by which the capacity of the district might be ascertained. The first step towards an assessment was naturally a survey; this accordingly was made, though it was not, nor was it intended to be, accurate. Considering all his disadvantages, Mr. Travers really did good service to the Government; he was the pioneer on whom fell the heat and burden of the day. His difficulties were numerous: among them was the persistent opposition of the wealthy

principal ryots of the villages, who did all in their power to counteract his influence over the poorer cultivators. In October 1804 another trouble crossed the Collector's path: there was a terrible flood in the Pennair; the causeway leading to the town of Nellore from the south was completely swept away; the waters flowed deep and fast on either side of the town which barely escaped destruction. Of course tanks were ruined, fields were covered with silt, and the ryots abandoned all efforts at cultivation. However, after a time, some of the lands were cultivated, and with this poor Mr. Travers' hopes revived. We cannot do better than extract part of a short summary of Mr. Travers' administration. "It is impossible to deny that his efforts were crowned with considerable success, and that Mr. Fraser, a later Collector, was justified in his statement that Mr. Travers displayed an uncommon share of industry, zeal, and perseverance. Many circumstances, however, told in his favour. The drought of 1803 and the flood of 1804 notwithstanding, these five years were, on the whole, favourable. Although the corrupt renters and wealthy Reddis withstood him at every point, yet the people must have speedily learned that his sway was more just and more lenient than was that of the Nawab's myrmidons. His authority was believed by the ryots to

be well nigh despotic, and that could not fail to strengthen his hands. There was no Zillah Court to divide his power and interpret the Regulations so as to curb the revenue officials. He evidently believed the resources of his district to be much greater than they really were. Copper mines promised incalculable wealth. The area under cultivation was capable of great expansion. Thus he was not restrained by any scruples from imposing what, in some cases, was really a rack-rent in his efforts to make a favourable report to the Board." In 1808 some natives from Nellore appeared in Madras, pretending that they had been deputed by the people of Nellore to bring to the notice of Government embezzlements by the Collector and his Peishcar to the value of 130,950 Pagodas. The Governor in Council, having consulted the Board of Revenue, despatched the Junior Member, Mr. Thackeray, to Nellore, to make an investigation. This he appears to have done with great promptitude, severity, and exactness. The result was that some few trifling irregularities were discovered, but nothing at all commensurate with the alleged defalcations, and the pseudo-petitioners were forced to admit that their charges against the Collector were founded on mere bazaar rumours, and that they had themselves named the sum of Pagodas 1,30,000 merely as a guess. The Board censured Mr. Travers for the irregularities that had been discovered, but were satisfied that nothing substantially wrong had taken place under his régime. The result was that Mr. Travers, though confessedly a hard-working, upright, Collector, was transferred to the Judicial Department, and Mr. Thomas Fraser was made Collector in his stead. Mr. Fraser endeavoured to complete the settlement of the district, and leased out the villages, not settled by Mr. Travers, on three-year leases. He, like his predecessor, had his troubles,

one of which was that he was constantly at variance with the District Judge, who, far from supporting the Collector's authority, seems to have thrown great obstacles in the way of his obtaining ready redress against contumacious renters and defaulting ryots. Invasions of the Pindaries and the effects of bad seasons threw the renters much behind with their payment: the four principal of them then conceived the brilliant idea of going to Madras to charge the Collector with mismanagement, and his servants with corruption. Mr. Fraser, however, seems to have been quite aware of their designs, and taking advantage of a clause which gave him power to arrest defaulters who were quitting the district without giving security, he seized the four would-be petitioners and threw them into jail. In 1823 Mr. Fraser, whose health had long been failing, left the district, and was replaced by Mr. Smalley. The next year chanced to be a prosperous one; and by the exertions of the Collector and his Assistants, Messrs. Kindersley, Stonehouse, and Goldingham, the revenue rose to the highest figure it has ever attained. The Collector thought an entirely new survey was necessary, and he caused three villages to be surveyed as an experiment; subsequently he wished to extend it at once to other parts of the district, but was requested by the Board to await the result of the consideration of the experiment on the first three villages. Consequently the assessment of the whole district was in a very undefined condition, parts being assessed under the puttahs of Mr. Travers, others under average rates, and some being *amani*. In 1829, Mr. C. A. Thompson became Collector, and was at once startled by finding Rupees 60,000 allowed in the accounts as remissions on withered crops, whereas the average remission was only

4,000 Rupees. In consequence Mr. Thompson and his Assistant proceeded on a tour of inspection, and soon found the enormous remissions to be a fraud planned by the Cutcherry servants, the ryots paying readily 57,000 Rupees ! ! ! Mr. Thompson had been Collector only two years when, owing to his failing health, the district passed into the hands of Mr. Whish, for many years Collector of Guntur. At this time, owing to defective settlement and frequent changes, the state of the district was most deplorable. The monsoon of 1832 failed, and, fearing a famine, the people broke into the grain stores; and the Collector, instead of strengthening the Police force, spent Rupees 1,400 in ceremonies to induce the gods to send freshes of water down the Pennair! In 1835 Mr. Whish was succeeded by Mr., afterwards Sir, T. V. Stonehouse, who had served his apprenticeship as Assistant, Head Assistant, and Sub-Collector of the district. The Board hoped that Mr. Stonehouse, with his great experience, would have been able at once to prescribe a panacea for the woes of Nellore; but in consequence perhaps of the troubled state of the district, it took the Collector seven years to prepare his propositions for the Board: at last, in 1842, the scheme was brought to the light of day. From it it appeared that Mr. Stonehouse did not at all approve of an individual ryotwari system, and considered all the surveys taken of the district up to that time to be very defective and unreliable. He concluded his report in the following words—"The suggestion, therefore, that I would venture to make, in the event of its being determined to have a field assessment in this district, is to fix a grain, instead of a money, assessment on each field, commutable into money at the current prices of each year—a system which would tend to improve the condition

of the ryots and be better suited to their own wishes and feelings, and which would secure to Government a surplus revenue when prices are high, which they now for the most part lose; while the loss, when prices are low, would only then fall on Government, as it now does, not nominally, but virtually by the non-realization of that portion of the revenue which the ryots, from the cheap price of grain, are unable to pay, except by the sale of a part of their property." Many years passed away before any action was taken on this report. Mr. Bishop succeeded Mr. Stonehouse as Collector, and, after him, in somewhat rapid succession, Messrs. G. A. Smith, Purvis, White, and Elton, held the collectorship. During Mr. Elton's tenure of office the rates for dry cultivation were made uniform at Rupees 25, and the rates for wet cultivation were also greatly modified.

Chapter XIX—*Revenue History*.—This chapter embraces a period from the Collectorate of Mr. Dykes to the present time, 1859 to 1871. This chapter was contributed by Rozukhirdi Venkata Kristna Rao Puntulu Gann, Head Sheristadar. During this period many changes have taken place; ninety-seven villages of the Dupad Taluk, Kurnool District, were transferred to Nellore, as they were intermingled with the villages of the Rajah of Venkatagiri which had always belonged to Nellore; again, in 1863, the Sriharikota Division was transferred to Nellore from the Ponneri Taluk of the Madras District; the *pulleri*, or tax on pasture land, was abolished; and the question of jungle conservancy also came under consideration. Mr. Boswell suggested that the Nellore jungles should be placed under the Forest Conservancy Department; but as the Board did not approve of this measure, Mr. Boswell drew up rules and organized an establishment for the purpose in the district. The survey of the district

so often attempted, so often ending in disappointment, was at last completed in 1870 by Mr. Charles Rundall, whose survey was found to be satisfactory, and on which the present assessment of the village is based. The chapter concludes with a tabular form showing the area cultivated in each taluk, and the average yield and prices in 1801 as compared with 1865.

HIGH COURT—MADRAS.

[Appellate Side.]

MORGAN, C. J., AND KINDERSLEY, J.

Right to running water.

Every riparian owner has the right to the lawful use of water running through his own land.

Subramania Pandara Sanady v. Aiyasawmy Vajapayer and others.

THE plaintiff, as the owner of the villages of Teruvaduthorai and Teruvaduthorai Devastanum, brought this suit to set aside an order passed by the Head Assistant Magistrate of Tanjore on the 11th July 1866, prohibiting plaintiff from irrigating his nunjah lands from an irrigation stream called Teruvalengadu Vaikal, to establish his right to do so, and to recover Rupees 3,061-5-8 damages incurred by his being, at the instance of the defendants, deprived of the use of the water. The suit was brought in the Court of G. Mutusawmy Chettiar, Sub-Judge of Tranquebar. It was alleged by the plaintiff that the abovesaid villages belonging to him and the villages of Teruvalengadu, Teruvalengadu Devastanum, Teruvalengadu Erayaly, and Madavarayapuram, were irrigated by a common stream known as the Elanatady Vaikal, issuing from the river Cauvery, which, after passing through the plaintiff's village of Teruvadnthorai, divided itself into two branches in Teruvaduthorai Devastanum, also the plaintiff's village; that one of these branches called the Teruvalengadu Vaikal then pursued its course through the plaintiff's village and passed on to the defend-

ant's village of Teruvalengadu; that the plaintiff had used the water of the stream as it passed through his village for his punjah and other lands which he had converted into nunjah; but that in 1866, the defendants complained to the Magistrate that plaintiff had, contrary to usage, diverted the water to which they asserted an exclusive right; and that the Magistrate upon this complaint passed an order under Chapter XXII of the Criminal Procedure Code, which not only prohibited the exercise of his right to irrigation, but had entailed loss on him by the destruction of his seedlings. The defendants denied the plaintiff's right to irrigation from the water in question, and set up an exclusive right in themselves. The Sub-Judge not being satisfied with the report of the Commissioner deputed to make a local inquiry, proceeded himself, at the request of both plaintiff and defendants, to inspect the stream and the lands in dispute, and arrived at certain conclusions upon which he disposed of the suit. He found that the stream in question was a branch stream issuing from the river Cauvery, that it passed through the plaintiff's village, and then entered that of the defendants; that there was nothing in evidence to show who brought the streams into existence; but that it was admitted to be part of a system of irrigation which had been in existence in connection with the Cauvery for more than forty years. He found also that it was admitted that the land through which it ran, before it entered the limits of defendants' village of Teruvalengadu, was the property of the plaintiff; and upon several indications which he had observed at his inspection, he came to the conclusion, that it was "clear that defendants had all along conveyed water through the disputed channel which lay in plaintiff's land, subject to the right which plaintiff had of irrigating his lands abutting the same;" that under these circumstances, the defendants had no right to deny to the plaintiff the use of the water which ran through his own land; but that the plaintiff had no right to raise the level of the water for his own irrigation by any artificial dam or other obstruction. The Sub-Judge thereupon declared the plaintiff's right to irrigate his lands from the stream in question; but he disallowed the damages claimed by him, and prohibited the erection of any dam. On appeal to the District Court of South Tanjore, the District Judge modified this decree; and upon the evidence forthcoming as to user, disallowed the plaintiff's right in respect to two parcels of land, but allowed the right claimed in respect to two other parcels.

The plaintiff thereupon specially appealed to the High Court on the ground that, by modifying the decree of the original Court, the district Judge disallowed to the plaintiff the natural use of water in the stream in ques-

tion to which, as riparian owner of lands on either side, he was fully entitled.

Scharlieb, for appellant, contended that on the principles laid down in the English cases, especially in *Miner v. Gilmore*, XII, Moore's P. C.; and *Lord Norbury v. Kitchin*, IX, Jur., N. S., followed by this Court in *The Maharajah of Vizianagram v. The Proprietor of Chitegada*, IX, *Madras Jurist*, 209, the plaintiff was entitled to the lawful use of water running through his own land, no matter whether he had exercised that right, or not.

O'Sullivan (with him *Rama Row* and *Balaji Row*), for defendants, contended that this was not the ground on which the plaintiff had brought his suit; the question had been tried on the ground of user, and as the lower appellate Court had found that the plaintiff had proved no user, he was not entitled to a decree.

Their Lordships, after intimating that the District Judge was wrong in the view he had taken of the case, delivered the following

Judgment:—19th June 1874.

It is contended that the plaintiff in this case has based his right upon long user and that, this fact having been found by the Judge against him, he cannot be allowed to urge that, as a riparian proprietor, he has a right to the use of the water of the stream in question. But a reference to the terms of the plaint and to the issues suffices to show that the claim was not so put forward or understood and that this contention cannot be sustained. Both parties alleged that they had been accustomed to use the water, but the defendants sought to show an exclusive right in themselves arising from a long and exclusive use. This the Subordinate Judge found they had failed to prove. They appealed to the District Judge, who for the most part considers in his judgment only whether the plaintiff had succeeded in establishing on his part a long and uninterrupted use of the water. It was found that (with some special exceptions) he had not, and the judgment of the Subordinate Judge was, therefore, modified. The plaintiff's evidence of user was material with reference to the defendants' alleged exclusive right which it tended to disprove. But the plaintiff's case stood, as we have observed, upon a broader basis. As a riparian proprietor he had a right to such lawful use of the stream as he claimed, and was entitled to such a decree as the Court of first instance had given in his favour. The order of the Judge proceeding merely upon the ground of the plaintiff's failure to establish a right founded on long user must be rescinded, and the decree of the Subordinate Judge restored. The appellant will have his costs in both appellate Courts,

OFFICIAL PAPERS.

RICE-DESTROYING INSECTS.

Proceedings of the Madras Government, Revenue Department, 24th April 1874.

Read the following letter from Surgeon-Major G. BIDIE, M.B., Superintendent Government Central Museum, to C. G. MASTER, Esq., Acting Secretary to Government, Revenue Department, dated Madras, 11th April 1874, No. 46:—

WITH reference to paragraph 2 of Government Order, No. 358, of 17th March, I have the honour to report that I have carefully examined the samples of injured rice and the insects sent to me by the Collector of South Arcot.

2. The rice is completely destroyed, nothing being left but the husk, and I have not succeeded in finding in either of these two samples sent to me a single sound grain. On close examination, each grain is found perforated with a small hole, being the opening by which the insect finally escaped.

3. In the first batch of insects received there were two kinds—one a true weevil (*Calandra*) and the other a species of *Tomicus* which belongs to a nearly allied family. The weevils are all extremely destructive to agricultural produce, and prodigiously prolific. One, the *Corn-weevil*, is very common in English granaries, and often proves very destructive. Various methods have been adopted for its destruction, such as heating the wheat up to 130° or 140° Fahrenheit,—a temperature fatal to the insect; but the most effectual preservatives are frequent shifting and turning of the grain and free ventilation.

4. The second batch of insects received consisted entirely of *Tomicus*,—a fact that rather surprised me, as most of the family to which it belongs live in the bark and wood of trees, proving at times most destructive to growing timber. This insect is also very prolific. Latreille says that one female will deposit from sixty to eighty eggs.

5. In both cases, the female lays a single egg in each grain, and the larva when hatched works into the interior, and eats up every particle of the farinaceous contents. The perfect insects of both species are extremely small, being about the size of a pin-head.

6. The only preventive and remedial measures that I can suggest are, that if the store-houses are old, they should either be abandoned or cleared out. If the latter alternative be adopted, they should be left empty for some months, thoroughly cleaned, and leeped or white-washed. In case of a batch of grain

being infested by the insects, I would recommend its exposure for some days to the sun and frequent turning while thus exposed.

7. I also found in one sample of the grain six or eight specimens of a small moth, *Tinea*. The presence of all these insects is indicative of old, dirty, and badly-ventilated godowns.

Order thereon, 24th April 1874, No. 497.

This report will be communicated, through the Board of Revenue, to the Collector of South Arcot. Mr. Garstin will recommend to the notice of merchants the simple remedial measures suggested in paragraph 6.

(True Extract.)

(Signed) C. G. MASTER,
Acting Secy. to Government.

**THERAPEUTIC ACTION OF CALCIC QUINOVINATE
IN TREATMENT OF FEVER AND DYSENTERY.**

*Proceedings of the Madras Government, Revenue
Department, 24th April 1874.*

Read the following despatch from the Right Honourable the Secretary of State for India:—

INDIA OFFICE, LONDON,
19th March 1874.

MY LORD,—I have received and considered in Council your Excellency's despatches, dated December 16th (No. 40) 1873, and January 13th (No. 1) 1874, the former reporting the results of experiments on the therapeutic action of Calcic quinovalinate in the treatment of fever and dysentery, and the latter forwarding Mr. Broughton's account of his investigations of the tubers of *Aconitum heterophyllum*.

2. The use of quinovalinate was recommended on account of its cheapness, and the facility with which abundant supplies can be procured. Its inferiority to quinine in cases of fever, and to ipecacuanha in dysentery, was understood; but it was believed, with reference to the greater cost of the more potent medicines, that quinovalinate might prove a valuable auxiliary in the treatment of diseases which annually commit such ravages in British India. I observe that Dr. Andrews of Mercara is of opinion that quinovalinate will become a valuable aid in the treatment of dysentery, and Dr. Houston of Mysore also thinks that it would prove serviceable.

3. I am certainly of opinion, looking to the high price of the more potent remedies, that the importance of making the natives of India acquainted with a more economical though less

efficacious remedy ought not to be lost sight of. At a time when epidemics are ravaging a district, the sufferers are occasionally so numerous that the more expensive medicines can only be administered to a small portion of them. In April 1871, for instance, 114,012 persons sought relief at the dispensaries in the Burdwan District, and many undoubtedly succumbed owing to the impossibility of supplying them with expensive remedies.

4. On these grounds, I have to request that you will cause further and careful experiments to be instituted as to the value of the drug in the treatment of dysentery.

5. I have perused Mr. Broughton's report on the results of his investigation of the tubers of *Aconitum heterophyllum*, the Hindustani *Atis*, and perceive that he has succeeded in extracting a new alkaloid previously unknown, to which he has given the name of *Atisine*; the separation of which is neither difficult nor laborious. This substance may prove of future use in medicine, and, as it is quite new to chemists, I desire that specimens of the drug as sold in the bazaars, and of the *Atisine* hydrochlorate, may be forwarded to this office.

I have, &c.,
SALISBURY.

His Excellency the Right Honourable
The Governor in Council, Fort St. George.

Order thereon, 24th April 1874, No. 504.

Board of Revenue.

Surgeon-General, Indian Medical Department.

Surgeon-General, British Medical Department.

Sanitary Commissioner.

Commissioner of Nilgiris.

Government Quinologist.

Communicated to the Departments and Officers noted in the margin.

2. The Surgeon-General, Indian Medical Department, will arrange for the institution of further and careful experiments as to the value of Calcic quinovalinate in the treatment of dysentery, as desired by the Secretary of State in paragraph 4 of his despatch.

3. The Government Quinologist, who is at present on leave, will, on his return, be requested to comply with the Surgeon-General's future requisition for this drug; and will also be directed to forward to Government specimens of the *Atisine* hydrochlorate, and of the tubers from which it is prepared, for transmission to the Secretary of State.

(True Extract.)

(Signed) C. G. MASTER,
Acting Secy. to Government.

RELIEF MEASURES IN SOUTH ARCOT.

Proceedings of the Madras Government, Revenue Department, 6th May 1874.

Read the following letter from G. BANBURY, Esq., Second Member of the Board of Revenue, to C. G. MASTER, Esq., Acting Secretary to Government, Revenue Department, dated Madras, 30th March 1874:—

In compliance with the orders of Government, dated 3rd March 1874, I have the honour to submit the report called for as to the state of the South Arcot District, and the measures of relief which it may be necessary to afford owing to the partial failure of crops and apprehensions of scarcity.

2. Having visited the taluks of Cuddalore, Virdachellam, Tricallore, Trinomalay, Tindivanam, and Villapuram, and conferred with the local officers and others conversant with the subject, I may at once say that, as far as I have been able to ascertain, there is at present no cause for alarm and no fear of anything like famine. Prices are high, and the poorer classes, amongst whom may be comprised peons, policemen, and other lowly-paid servants, will doubtless feel the effects of this, as they always have, and always must, when "hard times" like these temporarily occur. There is not likely to be any actual want of food-grains; the supply on hand is said to be sufficient for the next three months at the very least; and as the Collectors of the neighbouring districts say nothing about scarcity, we may reasonably believe that where the money is there the food will come. In fact, I have seen grain being moved about the country just according to the ordinary rules of supply and demand; so that with the good roads which South Arcot possesses, there appears to me to be no reason for storing or purchasing on the part of Government. Works of the ordinary kind under Agricultural and Local Fund should certainly be pushed on, so as to put money into the hands of the poorer classes for the purchase of food, and to furnish to the district authorities a test whereby the state of each taluk and the necessity of hereafter opening relief-houses may be safely ascertained. I cannot, however, help thinking that, should we be favoured with two or three good downpours, there will be some difficulty in finding hands to carry on the works in progress, as every one will rush off to his cultivation, and the district will assume its wonted agricultural aspect. As an example of this, I may state that when at Trinomalay last week I found it even then difficult to procure labourers for the works the Deputy Collector was starting; and also found that only some of the relief works of 1868 had been really carried out, and that even these had been mainly performed by professional contractors, with professional wudders, owing no doubt to

the presence of timely rains soon after the works were set on foot. Two of the railway engineers, whom I met separately, told me they found difficulty in obtaining coolies; the one in the Cuddalore, and the other in the Tindivanam Taluk.

3. I must also mention that during my tour I had no petitions presented to me regarding the subject of my mission, and there were no noisy demonstrations got up, as from my former knowledge of the South Arcot ryots I expected there would have been, to urge the necessity for remissions. The Tulliar, as usual, came forward, representing that the Carnum had juggled him out of his wet land granted as maniyam, and had allotted him a piece of rocky ground in its stead; and the Dharmakartas earnestly requested that the income to their pagodas might be paid in money as heretofore, and not by assignments of land-revenue. But no one complained of want or distress, and, in fact, at Trinomalay, where I had expected to find mat-

* Rustic Native people worst of all, the way of pronouncing the word "Mem-ber" the advent of the "Board Number,"* as rather a good joke.

4. The country looks parched and burnt up, as it usually does at this time of the year when the rains have ceased and the crops are, as a rule, off the ground. There is, however, owing to the very backward harvest, still a good deal of paddy to be cut and of ground-nut to be grubbed up, as in dry seasons the nuts are allowed to remain in the ground, long after the plants themselves have had their day. The ryots are also evidently making the most of their well cultivation. There is no sickness to speak of amongst the inhabitants, but I was sorry to find that cattle-disease of a fatal type was prevalent in the Gingee Division. The poorer classes are not eating things unusual and unwholesome owing to the present rise in prices, as although the articles partaken of may, in some instances, such as rats and tamariind stones, appear to induce this belief; they are, in reality, only the ordinary food of certain castes and classes.

5. Another cause, which is stated to have raised prices and lowered the supply, is the presence of an insect which newly appeared in July last, and played such havoc with the stored paddy that people sold off their stocks in a hurry, rather than have them diminished by this novel species of spoliation. It has not been easy to arrive at any conclusion regarding the truth of this story. Different people describe this insect, which they term the "Annah-puchi," in quite different ways; and, although they all agreed about its appearing in July and disappearing in November, I had some brought to me in March, which was said to be the real

insect, although it did not answer the descriptions previously given, and resembled, as far as I could see, the common weevil. I was told at Tricallore that it was often found in cumboo, but never before in paddy, which seems strange. Altogether I do not much believe in the "Annahpuchi" as a new infliction, although perhaps the rumour of there being something of the kind may have created a slight panic and forced sales to some extent. This, however, can hardly be gathered from the price lists as they exhibit no remarkable fall about that time.

6. Owing to the lengthened drought and the prevailing high prices, I have asked Mr. Garstin to notify that melons, cucumbers, and pumpkins, may be grown in the tank-beds free of any assessment, as I found this small concession was appreciated by the ryots of Tiunnevely in the somewhat similar season of 1865; and likewise to notify that raggy may be grown, with the little water that now remains, without any charge being levied for second crop this fusly, or without its being considered as first crop or "Poothoo muthal" for the ensuing revenue-year. This exemption may tend to increase the cultivation of this useful grain which comes to maturity in ninety days after transplanting.

7. Although, therefore, the state of the district seems certainly at present to call for no extraordinary measures of relief, no indenting upon Imperial Funds, and no gratuitous distributions of cooked food, yet I am sorry to say that the early cessation of the north-east monsoon will entail a heavy sacrifice of revenue, as it will be necessary to give remissions beyond those which the Collector is allowed to grant, although not to such an extent as had been at first anticipated.

8. Up to the end of November, as will be hereafter more fully explained, the prospects of the season were fair, although the November rain-fall was deficient; but rain failed sadly in December, and there has been none since. This has greatly lessened the outturn of the later dry crops, particularly of varagu which is harvested nearly last of all; and has, in many cases, prevented the late-sown wet crops under rain-fed tanks, and other somewhat hazardous sources from coming to maturity. Wet lands under river-channels, large reservoirs, and other trustworthy supplies, were, generally speaking, all safe, and I do not anticipate any great falling off under the head of "Second Crop." But even under these trustworthy sources the late-sown paddy has suffered, and remissions under the head of "Shavi" must be given in certain localities. The cultivation accounts given below show a marked decrease below those of last year, so that apart from the question of remissions, there would have been a large falling off in the revenue when compared

with that of the year preceding. Had there been anything like a timely fall of rain in December, the present unsatisfactory state of affairs would have been largely averted, and downpours in January or even in February would have saved many of the now-perishing wet crops:—

	DECREASE.		INCREASE.		FUSLY 1283.		FUSLY 1282.		DESCRIPTION.
	Extent.	Assessment.	Extent.	Assessment.	Extent.	Assessment.	Extent.	Assessment.	
	ACRES.	RS.	ACRES.	RS.	ACRES.	RS.	ACRES.	RS.	
	60,046	1,17,119	1,539	6,891	727,408	14,25,686	787,454	15,42,805	Punjab
	10,209	63,975	24	2,108	254,001	14,02,423	264,210	14,66,398	Nunjah
	71,818	1,90,093	1,563	8,999	981,409	28,28,109	1,051,664	30,09,203	Total...
	1,563	8,999	.....	.....	.....	.....	.....	.....	Net...
	70,255	1,81,094	.....	.....	.....	.....	.....	.....

9. The following abstract from the season reports of the district for the month of November, written when there was no dread of scarcity, nor apprehended need for large remissions in the Land-revenue Demand, shows that there was nothing whatever to cause uneasiness until after December. In fact, about the very first note of warning that was sounded was Mr. Sullivan's letter of the 28th January to Mr. Garstin, just as the latter took charge of the

district, saying that remissions would doubtless have to be given upon dry lands, and that houses of relief might eventually have to be opened.

SEASON.		CROPS.		Crops harvested and their outturn.	Prices.	Public health.	Cattle condition.	Pasture.
Rain-fall.	River freshes.	Sown.	Standing and their condition.					
Rained throughout the District.	All the rivers were in fresh.	Cholum, horse-gram, raggy, cumboo, ulundu, ground-nut, indigo, gingelly-oil seed, cotton, kar, and sumba paddy..	Varagu, cholum, raggy, horse-gram, ulundu, ground-nut, gingelly-oil seed, sumba, and kar paddy, were in good condition. But in parts of three taluks dry crops were not in a flourishing condition, owing to excessive and incessant fall of rain.	Kar paddy, cholum, cumboo, and raggy, were harvested, and indigo was being cut. The outturn of wet crops was tolerable, and those of dry were less than the average, owing to the deficiency of rain prior to September.	Slightly fluctuated.	Generally good. Small-pox, dengue and fever were prevalent to a slight extent in parts.	Disease prevailed in parts of four taluks.	Procurable.

As I was unable to discover that anything had been recorded either in the season reports or elsewhere regarding the alleged failure of the cumboo crop, which should be all harvested

before December, and which occupies so large a breadth* of this province, it is difficult to understand how its extensive destruction, as now stated, could have occurred. There was certainly nothing specially

adverse in the season for this crop; indigo, ground-nuts, gingelly-oil seeds, and cotton, evidently fared decently, whilst watered raggy and the large area under garden-culture yielded more or less their wonted outturn. It may be said that I am relying too much upon season reports which may not have been prepared with sufficient care; but my experience of these documents certainly is that they paint things in far blacker colours than they really ought.

10. The following shows the rain-fall as recorded for each taluk from the commencement of the present official year:—

MONTHS.	Average of the whole district.									
	Chellam-bram.	Cuddalore.	Kallakurichi.	Tindivanam.	Tricallore.	Trincomalee.	Villapuram.	Virdachellam.	Average of the whole district.	
April 1873	4.45	6.50	2.58	0.24	1.88	0.75	0.20	2.10	18.71	
May "	3.00	0.60	2.25	1.00	2.10	3.10	1.05	1.55	14.65	
June "	1.40	0.60	2.05	2.00	0.95	0.95	2.68	0.15	10.78	
July "	2.10	1.75	0.20	1.30	3.85	2.18	0.70	1.45	13.53	
August "	0.10	4.55	1.70	6.15	2.50	2.93	3.08	2.05	23.76	
September "	3.95	3.76	7.50	5.95	5.28	5.08	5.20	3.10	39.82	
October "	13.00	12.62	11.40	12.90	13.17	9.63	12.65	7.00	92.37	
November "	13.65	11.10	3.10	4.15	2.31	1.50	6.03	5.10	46.94	
December 1874	2.30	1.43	1.00	0.95	0.30	0.18	.....	0.10	6.26	
January "	.....	.....	.....	.....	.....	.....	.....	.....	.....
February "	.....	.....	.....	.....	.....	.....	.....	.....	.....
March "	.....	.....	.....	.....	.....	.....	.....	.....	.....
Total...	44.65	42.91	31.78	34.65	32.34	26.30	31.59	22.60	266.82	33.32

It will be seen that the average rain-fall of the district at large reaches 33·32 inches, which is considerably better than that of Fuslies 1275 and 1277, which were deemed unusually bad seasons; the former being the year of the famine in Ganjam, and the latter the year in which Mr. Robinson was deputed to report upon the state of Salem, North Arcot, and other districts.

Rain-fall.

—	FUSLY 1275	FUSLY 1277	FUSLY 1283
	OR	OR	OR
	1865-66.	1867-68.	1873-74.
	Krodana.	Prabhava.	Srimuka.
April ...	1·20	0·20	2·34
May ...	3·70	2·00	1·83
June ...	0·90	0·10	1·35
July ...	4·50	1·60	1·69
August ...	2·90	4·80	2·96
September	3·80	2·90	4·98
October ...	3·70	6·40	11·55
November.	4·50	2·60	5·87
December.	1·10	0·60	0·75
January ...	.....	3·90	.....
February...	.....	0·10	.....
March ...	.....	0·20	.....
Total...	26·30	25·40	33·32

11. The foregoing figures confirm to a considerable extent my doubt as to whether the alleged vast failure of the cumboo and other early dry crops has not been considerably exaggerated, as from July to November whilst they occupied the fields, there was nothing so very disastrous in the monthly rain-fall, either one way or the other. No doubt, as I have already said, the later crops suffered, particularly varagu which is the staple food of the lower classes, and which is not cut until January or February; the late-sown raggy must also have fared badly, and horse-gram did not receive sufficient rain. There has, however, been, as far as I can learn, only a very small amount of what is technically termed "entire dry shavi," or crops that have then and there actually withered. Again, very frequently different sorts of grain and pulses are sown together in the same field, although reaching maturity at different times, and, in many instances, a second crop is obtained, such as gram after cumboo; so that, with a rain-fall like that recorded for the past year, it seems strange that the rain should have been so perverse as not to confer substantial benefits at certain times and seasons.

12. The alleviations to be made for loss in dry crops will necessarily vary more or less in the several taluks, owing to some tracts having

been more favoured than others, and to the arrangements which had been made by the settling officers before I reached the district. As a rule, it will be necessary to forego the three last kists on varagu lands, thus remitting $31\frac{1}{4}$ per cent of the Government demand thereon. In some taluks the assessment on cumboo, cholam, and unwatered raggy, will also be remitted to the same extent; but in Chekkady and in Chengam, where the season was fair and the crops, particularly of oil-seeds, quite up to the average, there will be no remissions at all on dry lands. When looking into the results taluk by taluk, Government may be of opinion that the concessions on dry lands are, in some instances, perhaps less than they might be; but when it is remembered that dry cultivation must ever be more or less precarious; that one of the objects of Mr. Maltby's large reduction in the land assessment of this province was to enable the ryots to tide over a bad season unaided by remissions; that anything like their regular institution would be a serious drain upon the Exchequer; and that the ryots only expect them, to some extent, as an act of grace; it would appear that the concessions we have arrived at for dry lands are sufficiently liberal; indeed, in the case of Tindivanam they seem to me perhaps too much so.

13. As already explained, the land-owners had nothing to complain of as regards wet crops sown tolerably early, but it fared otherwise with those got into the ground later; and consequently the remission on account of crops which actually perished without coming to ear, or yielded next to nothing, will have to be granted. The assessment on the wet area included in the ryots' puttah, but remaining uncultivated, will, as usual, be remitted under the head of "ditta caram-

* Revenue boo"* or "puttah taras,"* terms for lands when the fact of the land retained in the remaining untilled arises puttah without from adverse circumstances, and not from opportunities having been neglected by the land-holder.

Another large item, which will need favourable consideration, is that of "kusser shavi" or remission of water-rate upon dry lands to which Government water

† Almost uni- has been supplied, but versally paddy. upon which the crop† has perished. Some of the

district officers were of opinion that as this water had been taken for "dry" lands to the detriment of the regularly registered "wet" fields, no remission of this water-rate should be allowed. But when it is remembered that the so-called dry lands are intermingled with the registered wet; that they take the water year after year upon payment of this charge; that

there has been as yet no systematic determination as to which are the lands really first entitled to the tank-supply; and that this item of revenue is a large one, amounting to Rupees 25,000 in the Tindivanam Taluk alone, it is, I think, but fair to forego the charges for water in those instances where no crop has been obtained by its use. I have not always shown separately the amount remitted under this head, as in some taluks it is merged under the general term of "Shavi."

14. In the Appendix I have noticed briefly the state of each taluk separately, and mentioned the remissions which seem to me proper to be given in each case, thereby disposing of Mr. Garstin's letter on this subject, which was referred to me with Board's Proceedings, dated 24th instant. It will be found that the concessions now recommended are considerably below the originally estimated limit, which would have largely necessitated refunds being made to the ryots, with but small chances of their ever really getting them. The figures which I have been able to collate in such a hurried trip before the Jummabundy was completed must necessarily be deemed approximates; but I have been

* Except in case perhaps of Chellambaram, *vide* Appendix.

careful not to estimate too favourably for the State as regards remissions,* nor too hopefully for the District as regards its out-turn and resources.

15. I have not gone very deeply into the question of works to be provided, as Mr. Garstin has arranged with the District Engineer that all those entered in the Local Fund Budget should be put in hand at once, so that, unless the season is most singularly unpropitious, these, together with the annual agricultural works, should suffice. The building of the dispensaries, &c., will furnish employment to women and children particularly, as the bricklayer wants everything brought to him and placed ready to his hand.

16. As the Local Funds are rich, the President can no doubt allot further sums for improving the drinking supply, for cutting prickly pear, or for collecting and breaking up road-material, should such additional outlay be hereafter necessary. The mode in which payment should be made on these works is an important point. To be really relief-works, the wages should be distributed daily; and this will require relaxation of the established rules, and an increase in the number of supervising officers. The daily payment should, I think, be introduced at first, and thus extra Overseers and Maistries will be needed, but should rain-fall and matters resume their wonted course, the contract-system and wudders might be reverted to, as no doubt the latter do better work than unskilled daily labourers.

17. The following abstract from the Appen-

dix shows the particulars of the remission proposed for each taluk:—

Taluk.	Estimated Beriz.	Remissions.			Percent- age.	Remarks. May per- haps be higher than anticipated in Chellam- bram.
		Dry.	Wet.	Total.		
	RS.	RS.	RS.	RS.	RS.	
Chellambaram ...	6,33,183	8,000	2,500	10,500	2	
Villapuram ...	4,44,680	21,875	38,000	59,875	13	
Tindivanam ...	4,84,500	58,310	40,688	98,998	20	
Cuddalore ...	3,48,319	21,000	13,000	34,000	10	
Virdachellam ...	2,93,423	12,500	9,750	22,250	8	
Kallakurichi ...	2,79,811	17,000	5,800	22,800	8	
Tricallore ...	3,62,539	13,575	18,889	32,464	9	
Trinomalay ...	2,45,295	11,100	12,850	23,980	10	
Total...	30,91,750	1,63,360	1,41,477	3,04,837	10	

It will be seen that they amount to Rs. 3,04,837, or 10 per cent upon the estimated beriz of Fusly 1283. They are considerably below those of Fuslies 1277 and 1278, which stand thus:—

Fuslies.	Beriz.	Remission.	Percent- age.
	RS.	RS.	RS.
1277	33,24,832	5,37,138	16
1278	32,44,848	6,11,056	19

In consultation with Mr. Garstin it has been arranged that Vencatasonbaiah, the Deputy Collector on special duty, should not only make some further inspection of the wet "shavi" in Tindivanam and Villapuram Taluks, but should also aid the divisional officers by taking charge of the remission work in these two taluks, where the claims are heaviest and where all

could be brought to a satisfactory close under his management, as he understands exactly the course now advocated. The selection of Ven-catasoubaiyah by the Collector appears to be a particularly happy one, as he seems excellently suited for an important trustworthy duty of this nature.

18. More care should, I think, however, be taken in some taluks as to the mode of granting remissions for withered wet crops. The amount of revenue at stake is large, and it is not too much to expect that the Tahsildars, their Deputies, and servants from the Huzur should, as formerly, examine the fields upon which these remissions are claimed and determine whether the claims are fair or fictitious. As an instance of this, I may mention that I came upon the Vanoor Deputy Tahsildar sitting quietly in his office, very leisurely trying a man for stealing a "puncha-

* Ordinary native drinking cup.

lands assessed at about a quarter of a lac,

* "Asymaish" is inspection of the crops, field by field, as entered in the Land Register.

he urged upon Mr. Garstin the necessity for remitting half a lac of Rupees on "wet" alone in his taluk. Contrast this with the course adopted by Mr. Dent in olden days during the bad year "Nandau," or 1832-33. "The accounts prepared in the first instance by the village-officers were compared, while the crops were still on the ground, by servants deputed from the Cusbah, and, lastly, underwent a third examination by servants sent from the Huzur Cutcherry, and were still open to further revision by the Collector at the time of making the settlement," *vide* Jumma-bund report for Fusly 1242, dated October 12th, 1833. It appears to me that this change for the worse may be owing, in a great measure, to the present plan of nominating and promoting to revenue-posts only passed candidates, and thus we obtain clerks rather than field-hands, theorists, rather than practical men. In fact, I found that when I wanted to ascertain anything at all out of the common, I had to send for some one low down in the office, and who could not be promoted, because he had not passed the required standard. It may be said that Tahsildars' charges were not formerly so large as now, and that thus they had time for inspection, but they had within their smaller charges to perform the duties of D. P. W. Range Officers, and Inspectors of Police,—functionaries that did not then exist.

19. Prices began to rise in December when the wet crops were found to be likely to fail considerably, and rose successively higher in January and February when this probability had become a certainty. In fact, if this failure of wet crops had not occurred, we should very probably have heard but little about the high price and scarcity of dry grains. Paddy was dearest during the fortnight ending the 28th February last, when the first sort stood at 17 imperial seers per Rupee at the Collector's headquarters; but it has since declined to 20 imperial seers. Dry grains are stationary; the price of cholum is the same as that in Trichinopoly and Salem, but in South Arcot cumboo and raggy are dearer, whilst paddy is slightly cheaper. Mr. Lister has gone somewhat carefully into the question of prices, and finds that, as a rule, they fall after March, which agrees with the Board's view that harvest time is not always the cheapest. It must often happen, when the season promises at all well for the future, that stocks on hand have to be reduced and sales effected previous to the ensuing harvest, which consequently brings down prices as the year advances. In Chellambram second sort paddy now sells at 28 imperial seers per Rupee according to accounts last received.

20. With the remissions above recommended; with the ordinary works of the district pushed on more rapidly than usual as a precautionary measure; and with the district officers closely watching, as they certainly are, for any signs of actual suffering; there is nothing now, in my opinion, to cause uneasiness or apprehension. Mr. Garstin has shown that he is not likely to neglect or under-rate symptoms of distress; and he has in Mr. Lister and Stri Balaiah two officers who have been long in the district, who know their divisions, and whose judgment can thoroughly be trusted.

21. I must not omit to acknowledge the aid that was given me by the General Deputy Collector Stri Balaiah who accompanied me through his taluks, nor the manner in which I was received by the Collector, the Sub-Collector, and the Head Assistant.

22. Mr. Sullivan kindly lent me the services of Banuvaiah, the Head Vernacular Clerk in the Revenue Settlement Office. He proved exceedingly useful, and as, owing to the rapid rate at which he had to travel, he will be a considerable loser if only allowed the regulated batta, I trust Government may be pleased to grant him an extra honorarium of Rupees 100.

Appendix.

VIRDACHELLAM.—The past season may be thus briefly described. Up to June, cotton, gingelly-oil seeds, and indigo on dry lands, and kar-paddy on wet, were doing well, and out-turn fair. In July rains fell but scantily, and

thus the breadth sown with cumboo was below that of the year previous, and altogether prospects were rather dull. In August, the crops looked better; they were fair in September, and reported to be in tolerable condition in October, when cumboo and cholom must have been harvested, as gram, which is sown after cumboo, was then put down. In November, prospects still continued fair, but the raggy harvest was light. In December, the crops on the ground, the chief of which was varagu, fell off, and, when ultimately harvested, the yield was short. There was no outcry as to the badness of the season, until the cry came from other parts, and the collections went on much as usual. There is no apprehension of scarcity at present, although prices will press heavily on the poor. Rain would now do much good to indigo, and in April the ryots would begin to plough for cumboo and cholom, which could be harvested in September. Taking estimates of outturn far lower than those ever adopted by the Settlement Department, there is, at least, four months' stock in hand for the requirements of this taluk, counting from the first proximo.

Area in square miles	...	566
Total number of villages	...	804
Population	...	180,411
Number of cattle	...	54,884
Beriz of Fusly 1282	Rs.	3,30,040
Number of puttahs	...	33,111
" of tanks	...	441
" of river-channels...	...	42
" of spring-channels.	...	3
Anicuts	...	20
Wells	...	1,144

2. It was at first thought that there was no necessity for any dry remissions in this taluk; but, after Mr. Lister and I had talked over the matter, we considered that as the varagu harvest was undoubtedly short; that as there was a large area of "puttah waste;" and that as the average dry assessment in Virdachellam was Rs. 2-4-0 per acre; it was only right to aid the poorer soils and the poorer ryots by foregoing the last three kists on varagu to all puttahdars under Rs. 25. The wet tracts under the Mematore and Keenanore anicuts, as well as those under the spring-fed channels, had nothing to complain of; but crops under the smaller tanks dependent on rains alone perished to some extent. The amount that will have consequently to be surrendered is thus estimated:—

Items.	Amount.
	Rs.
Wet "shavi" and wet "waste"	
already allowed	...
To be hereafter given	...
Alleviations in dry as proposed	...
...	...
Total...	22,250

This Mr. Lister considers quite sufficient, and the sum is about Rupees 4,000 below that conceded to the ryots by Mr. Hathaway in Fusly 1277.

3. The following works can be set on foot, although here, as elsewhere, the opinion seems to be that should rain fall there will be difficulty in carrying them out.

Sanitary.—Rupees 2,000 will be at once allotted for clearing wells, drinking-pools, &c. These minor works can be carried out by the Tahsildar. The Local Funds of this Circle are very rich, so that, if more money be required for this object, it can be granted.

Local Funds.—Bridge over the Manimuktanaddy; dispensary at Virdachellam; choultry at Ootangal Mungalam. All these have been sanctioned, and allotments made.

Arrangements should also be made for some work being started in the northern part of the Kamapuram Firkah, which seems to be the poorest part of the taluk.

4. KALLAKURICHI.—Mr. Lister had just returned from making inquiries into the state of this taluk when I met him at Virdachellam, and it was clear from his investigations that, although the dry crops had suffered somewhat severely in one division, and that the varagu harvest had been universally light, there was nowhere failure so complete as to make reaping an operation costing more than it was worth. The Pandalum Firkah, which lies to the north of Kallakurichi itself, is the worst off, and comprises the villages of the Senkrapuram Jaghire; and it is here that alleviations in revenue will be mostly required. The wet lands are, as a rule, well off, and the irrigation is peculiar, being like that of the neighbouring taluk of Ahtur in Salem, where each village situated near the river has its own anicut, and is supplied thereby, from time to time as the freshes come down, from rain-falls on the neighbouring hills. Thus, in this taluk, there are thirty anicuts over the Manimuktanaddy, fifteen over the Musimanar, twenty over the Gomakanaddy, and so on. The tanks are also similarly benefited by their vicinity to the hills.

Area in square miles	...	607
Total number of villages	...	413
Population	...	197,912
Number of cattle	...	59,822
Beriz of Fusly 1282	Rs.	3,11,721
Number of puttahs	...	33,018
" of tanks	...	389
" of river-channels	...	97
" of spring-channels..	...	—
Anicuts	...	86
Wells	...	8,724

5. At present there is no want of drinking water, nor are many people on the look-out for employment. There must be a supply of grain on hand for about three months, but, as Kallakurichi is usually an exporting taluk, this may be diminished, and, in that case, supplies would no doubt come from Salem and elsewhere. It is hoped that, as rain usually falls early and plentifully in the neighbourhood of the Kallakurichi hills, cultivation will soon commence, and all be going on as usual. The revenue collections up to the end of February seem to have been unusually good, and the amount of property sold after attachment was under Rupees 600. In fact, about 70 per cent of the heriz has been already realized.

6. Here, as in Virdachellam, it was arranged that the last three kists on varagu lands should be foregone in the case of ryots whose puttahs were under 25 Rupees; the only exception being in the Pandulum Division, where it was proposed to extend this concession to all dry crops and to all puttahdars in those villages where such a course was shown to be necessary. From what I subsequently learnt, I cannot help thinking that Mr. Lister will find some of the Senkrapuram villages in this Firkah better off than we were led to suppose, and I have communicated with him on the matter.

For wet lands the usual remissions on "puttah waste" and "shavi" will be granted where the claims are substantiated, and the total amount under all heads may be thus estimated:—

Items.	Amount.
	RS.
Three last kists remitted in Senkrapuram villages ...	10,000
Do. on varagu to puttahdars under Rupees 25 ...	7,800
Wet "shavi" and "taras" ...	5,000
<u>Total...</u>	<u>22,800</u>

7. Some of the works that will be available for those that like to come thereto are:—

1st.—Road from Kallakurichi to Senkrapuram, where the crops are said to have been the least productive. For this work Rupees 6,000 are allotted for the ensuing year.

2nd.—Thiaghadroog choultry Rupees 5,000.

3rd.—Taluk Cutcherry at Kallakurichi.

4th.—Clearing wells and ponds, for which an allotment of Rupees 2,000 has been made from the Local Fund Budget, but which can be increased should occasion arise.

8. CHELLAMBRAM.—This taluk contains extensive tracts of rich land excellently irrigated, and, of course, in a season like the present, the ryots of these parts reap literally "golden harvests." A great portion of the taluk is irrigated by the Coleroon, the main branch

of the Cauvery, which flowed on with its unabated regularity, and has thus furnished a secure outturn to the ryot, whilst his selling prices are trebled, owing to the failure of crops under less trustworthy sources. Another large tract is irrigated by the Vellar anicut, which also affords an early and bountiful supply. The rain-fall was fair, as upwards of 44 inches were recorded. Prices are not as yet exorbitantly high, and have slightly fallen, as paddy now sells for Rupees 1-4-0 the Harris cullum, or 26 imperial seers for the Rupee.

Area in square miles ...	393
Total number of villages ...	489
Population ...	240,586
Number of cattle ...	67,845
Beriz of Fusly 1282 ...	Rs. 6,41,422
Number of puttahs ...	33,479
„ of tanks ...	106
„ of river-channels ...	516
„ of spring-channels..	27
Anicuts ...	2
Wells ...	1,144

9. The Tahsildar after a very elaborate calculation arrives at the conclusion that, after feeding the inhabitants of his taluk for a year, there will be a surplus of a crore of Madras measures. These figures are, of course, practically useless, as export has been, and still is, going on from Porto Novo and Tirumukavassal, thus diminishing the stock in this vast granary. I hear, however, that Ceylon is now fully supplied, so that further exportation may cease for a while. Attached to the Chellambram Taluk there are the upland divisions of Strimushnam and Bowengherry, the latter including the resumed Paliemoctah Jaghire; and as these resemble the unirrigated tracts of the neighbouring Virdachellam Taluk, the same concession, viz., the surrender of the three last kists in varagu to all puttahdars under 25 Rupees may be granted. The usual remission for wet "shavi" must also be given; but this is only a small item, and applies mainly to wet lands under tanks in the upland divisions. The sums foregone will be therefore:—

	RS.
Last three kists in varagu ...	8,000
"Wet shavi" ...	2,500
<u>Total...</u>	<u>10,500</u>

This estimate appears to me, after further consideration, to be likely to be below the mark, and Mr. Lister may find it necessary to give more than we at first thought necessary in the upland tracts.

10. There is a sum of Rupees 3,000 to be allotted to the Tahsildar for repairing and restoring the drinking supplies in Strimushnam, Rupees 1,000 for the same purpose in Bowen-

gherry; and there is sure to be, as far as this taluk is concerned, ample work for those who like to do it; but from the Tahsildar's account it seems far easier in Chellambram to obtain clerks and writers than labourers and artisans.

11. TRICALLORE.—The rain-fall registered was 32.34 inches fairly distributed, but there was a falling off in cultivation of acres 7,854 in dry and 998 in wet. Indigo occupying no less than 16,774 acres, early raggy and, in fact, all earlier crops did fairly, so that there is no necessity for granting remissions over the entire punjah area. It will be sufficient to forego the last three kists on varagu, including, in this concession, the extent of dry waste left uncultivated for want of rain, and amounting to 9,906 acres.

Area in square miles	...	500
Total number of villages	...	380
Population	...	216,390
Number of cattle	...	69,538
Beriz of Fasly 1282	Rs.	3,70,453
Number of puttahs	...	37,880
Do. of tanks	...	548
Do. of river-channels	...	87
Do. of spring-channels	...	33
Anicuts	...	7
Wells	...	7,428

12. The Ponnear, the Guddalum, and Mallatar rivers, as well as some large rain-fed tanks, which still contain water, brought the wet crops dependent thereon to maturity. But, in the case of lands less efficiently supplied, the remissions under "wet shavi" will be somewhat heavy. The freshes in the Ponnear were not so good as usual, but still the assessment on second crop cultivation comes to Rupees 9,609, or only about Rupees 400 less than that of last year, a particularly favourable season. Prices are high owing to light harvest, exports, and merchants holding back for hope of further rise; but there is at present no outcry for work, nor are people eating anything out of the usual way. Counting from the 15th March, the present stock of grain should last three months, but rain would bring down prices, and Salem would supply this taluk, supposing its resources ran short.

The remissions under all heads will be—

	RS.
Three last kists as proposed...	13,575
Wet "shavi" ...	11,889
Wet waste ...	7,000
Total...	33,464

It strikes me that this will be found more than adequate when Sri Balaiah comes actually to carry out the measure.

13. There are ample works in this taluk.

Sanitary.—Rupees 3,150 for clearing out wells, ponds, &c.

Agricultural.—Extension of Jembay channel. Excavating channel to Mudiyanoor.

Clearing and restoring eleven tanks in Perikal and other villages, at estimated cost of Rupees 5,950.

Clearing out Mallatar and Ragavyen channels from Tricalloire anicut.

Local Funds road from Tricalloire to Wadayatoor, estimate Rupees 9,000.

Dispensary at Tricalloire, Rupees 7,000.

Government choultry at do.

Private do. at Andrayanoor.

Road from Nuggar to join 22nd mile of road from Cuddalore to truuk road No. 8.

14. TRINOMALAY.—There were no rumours of anything being amiss until December, when complaints were made that the varagu and unwatered raggy crops were both deficient, but no petitions to this effect were actually presented. Gingelly-oil seeds did well, and likewise tobacco, of which there is a large breadth in this taluk. Wet crops under the Cheyar river and large tanks were all safe, but remissions must be made on account of those that perished under the smaller reservoirs. The three divisions of this taluk are somewhat different in their characteristics, so I will briefly notice them separately.

Area in square miles	...	990
Total number of villages	...	490
Population	...	165,113
Number of cattle	...	78,612
Beriz of Fusly 1282	Rs.	2,57,052
Number of puttahs	...	20,777
Do. of tanks	...	572
Do. of river-channels	...	44
Do. of spring-channels	...	6
Anicuts	...	26
Wells	...	10,291

15. Chekkady and Chengam, comprising 165 villages. Owing to their proximity to the hills, the Chekkady villages have fared better than any other part of the taluk. Gingelly-oil seeds yielded a valuable crop, and there was a fair downpour in December. There are no symptoms of distress; people are engaged in cultivating, cutting, and curing their tobacco; and the kists have been paid without any difficulty. In the "wet" villages the "Oobady" system, or division of crop between the ryot and the Circar, prevails, so where the crop is short the Government loses as much as the cultivator; but the whole outturn may be set down at three-fourths of the full yield. The state of affairs is also good in Chengam. Second crop was grown to the usual amount, and the wet "shavi" will not exceed 50 or 60 cawnies. The products of these villages are valuable.

There are no persons seeking for employment at present, and it is difficult to get people to work at the Chengam jail now in progress;

there is no necessity for any remissions in "dry," and all that need be given are the usual concessions on wet.

16. Mathalambadi, 132 villages. This division occupies the northern portion of the taluk, and although here the earlier crops did fairly, varagu suffered. There is a large area under garden-culture, which furnishes employment and livelihood to many; others ply their carts for hire, and some are engaged in planting kar-paddy wherever there is water. It will be necessary to forego the three last kists in varagu in about five villages, and this, with the usual remission for "shavi," will be sufficient.

17. Cusbah Division, 177 villages. Here there is no river-irrigation, and although in many places the wet harvest turned out fairly, and even second crop was raised, there are withered crops to the extent of about 200 cawnies. This is also evidently the worst part of the taluk for dry, and there is less garden-cultivation. Gram was sown after cumboo as usual, but both only yielded a moderate crop between them. It will be necessary to give up the three last kists on varagu and broadcast raggy which is dependent on rains alone.

18. The above shows that, with the exception of the Cusbah Firkah, there is nothing out of the usual course, and collections have gone on the same as ever. The remissions stand thus, and come to Rupees 23,950 against 1,10,000 which were given in 1868:—

Item.	Amount.
	RS.
Wet, shavi or withered crop ...	4,850
Do., puttah waste ...	8,000
Varagu, three kists ...	9,500
Dry taras or waste, three kists.	1,600
Total...	23,950

19. The following works amongst others will furnish employment for the next few months at least; but at present the Tahsildar cannot get the labour he requires for works under his charge:—

(1.) The sum of Rupees 3,370 has been allotted for tanks and wells.

(2.) Road from Salem to Tandrampett, *via* Malayanur.

(3.) Road from Cheyar river at Conjee to Trinomalay.

(4.) Channel from the Eriyur tank to Samudram.

(5.) Widening channel from Aliyar to Tanakambadi.

These two latter works have been sanctioned by Government in anticipation of regular estimates.

20. CUDDALORE.—The wet lands watered by the Guddalore river, which always furnishes a good supply, were not affected, nor were

those under the Perumal tank. The Ponnear freshes were less plentiful than usual, and this decreased the supply furnished to the spring-channels; so that in some few river-irrigated villages claims for "shavi" must be attended to. Under the smaller rain-fed tanks the remissions naturally come heavier, and the total amount to be surrendered under the head of "Wet" will be Rupees 13,000.

Area in square miles ...	459
Total number of villages ...	249
Population ...	285,893
Number of cattle ...	49,033
Beriz of Fusly 1282. Rs.	3,83,469
Number of puttahs ...	34,847
„ of tanks ...	197
„ of river-channels...	70
„ of spring-channels.	23
Anicuts ...	3
Wells ...	1,736

21. In many villages of this taluk the yield of the dry crops was fair, and no remission at all was called for. In the Kurinjipadi and Punrooty Firkahs the drought has been more severely felt, and it was necessary to give relief where the crops had failed, but the whole amount thus foregone will not be more than Rupees 21,000, thus making the entire remissions stand at Rupees 34,000 for both wet and dry, or about 10 per cent on the total beriz. This is far below the sums remitted during the bad season of Fusly 1275, when they came to Rupees 70,946-11-1, and of 1277 when they reached Rupees 78,516-2-9.

The Cuddalore Taluk is being settled by Mr. Garstin himself, and it will be seen that no concessions are being made beyond those which the exigencies of the season seem to demand.

22. There is at present no actual dread of scarcity. The poor naturally suffer from the high prices, whilst their richer neighbours are making fine profits thereby. The quantity of grain stored is sufficient for at least three or four months; but it is advisable to give work in certain localities, more especially as, if rain persistently holds off, there may be some distress in the Kurinjipadi and Punrooty Firkahs.

23. The works that it is proposed to undertake at once are repairs to the three following Local Fund roads, *viz.*:—

No. 39. From Virdachellam road to Perumal tank.

No. 43. From Punrooty to Annatoor.

No. 40. From Kurinjipadi to Bowengherry as far as Paravanar.

A sum of Rupees 2,000 will also be entrusted to the Tahsildar for repairing ponds whence drinking water may be obtained in those localities where the supply seems likely to run short. The railway work now going on in this

taluk will also furnish labour for some time to come, say for two months, and, as it consists mainly of earth-work, it is available for any unskilled hands. Prices are a little easier owing to the harvest now being got in, and paddy is sold at 16 measures the Rupee. During the hard times of 1866 prices rose to 9 measures the Rupee in Cuddalore, and if rain holds off as it is now doing, the prices of the present year will doubtless rule very high.

24. TINDIVANAM.—In this taluk, the Revenue-officials had apparently taken a more gloomy view of the situation than matters really seemed to warrant, and a reduction of 75 per cent on the dry assessment throughout had been recommended. But, after further discussion, it was found that such large concessions were not really needed, and that the usual remissions under "Wet" and some extra alleviations upon certain dry crops would suffice. If concessions to the amount of 75 per cent had been given, much revenue already paid would have had to be refunded, with but very small chance of the money reaching the proper persons.

Area in square miles	...	810
Total number of villages	...	564
Population	...	239,963
Number of cattle	...	131,062
Beriz of Fusly 1282	Rs.	4,98,377
Number of puttahs	...	40,380
" of tanks	...	821
" of river-channels...		24
" of spring-channels..		59
Anicuts	...	20
Wells	...	12,345

25. The rain-fall amounts to 34.65 inches, it being heavier on the sea-board than inland. From the season reports the following may be gathered :—

Up to June things were as usual. In July the rains were scanty and matters looked bad. In August they were better, and in September and October better still. In November varagu and sunbali were in good condition, and by this time, although the report is silent on this point, cumboo and raggy must have been reaped. In December things were reported bad in many villages, and thus the late crops, such as varagu, doubtless suffered, whilst the early ones, such as gingelly-oil seeds, and indigo, must have done fairly. The ground-nut crop, which is sown in July and August, and is ready for taking up in December, must have yielded tolerably, and, of course, the large area under wells was much as usual.

26. Owing to this taluk depending mainly upon rain-fed tanks, the amount of remission will be large under the head of "Wet," and, although heavy showers might even now save some of the withering crops, I have not taken

this contingency into calculation, but have reckoned them as follows :—

Items.	Amount.
	RS.
Withered crops	... .. 24,927
Wet waste, including kusser charge remitted	... .. 15,761
Total...	40,688

This is a heavy sum, but as I was assured no "shavi" was remitted without inspection, I do not see how, in justice, the amount can be lessened.

27. For dry lands it has been determined to forego the last three kists on all items, excepting the following :—

Indigo.	Sugar-cane, and other
Ground-nut.	garden-crops.
Gingelly-oil seeds.	Topes.
Cotton.	Buildings.
Watered paddy.	All lands upon which
Watered raggy.	a second crop has
	been raised.

The concession is also to embrace punjah waste where there is no negligence shown on the part of the cultivators. By adopting this liberal method, which seems certainly calculated to afford all necessary relief, the amount foregone will be Rupees 58,310.

The total sum to be surrendered thus reaches Rupees 98,998, which is less than that of Fusly 1277, but still it seems to me high. When, however, the special Deputy Collector Vencatasoubaiah takes charge of the duty of accurately allotting the dry remissions as the Collector and I have arranged, there may be a considerable saving effected in the rough estimate of Rupees 58,310.

23. Besides the railway works now in progress, the outlay under agricultural, the sums allotted for improving the drinking supply, and the ordinary repairs, there are the following works already entered in the budget for 1874-75 :—

	Allotment.
	RS.
1. Re-gravelling the road between Tindivanam and Pondicherry, via Kiliyanur, and constructing four tunnels, amount of estimate Rupees 5,000	... 3,000
2. Draining and improving the town of Tindivanam, estimate Rupees 4,000	... .. 2,000
3. Constructing a choultry at Tindivanam, estimate Rupees 7,300.	4,300
Total ...	9,300

29. VILLAPURAM.—The wet lands in this taluk have the benefit of both spring and river-channels leading from the Ponnear. There are also minor rivers and many rain-fed tanks. The Ponnear freshes, and, in fact, all sources fell off earlier than was anticipated, so that there is a considerable area of wet "shavi" which will have to be remitted. This item is estimated at Rupees 26,000, including the charges for water-rate, which will have to be foregone. The wet waste to be remitted is approximately set down at Rupees 12,000, but a portion of this will no doubt disappear when the several cases are investigated by the Collector at the Settlement.

Area in square miles	...	611
Total number of villages	...	309
Populations	...	236,257
Number of cattle	...	71,549
Beriz of Fusly 1282	Rs.	4,49,805
Number of puttahs	...	41,181
" of tanks	...	467
" of river-channels...	...	57
" of spring-channels.	...	74
Anicuts	...	15
Wells	...	6,033

30. This taluk has always been noted for its valuable dry crops, the assessment on indigo lands alone last fusly, amounting to half a lac, or nearly a fourth of the entire punjah beriz. Ground-nut also occupied land assessed at Rupees 13,177. Fortunately, there was nothing untoward in the season as far as the earlier crops were concerned, and in these are comprised the above valuable products; but the yields of varagu, unwatered raggy, and cholam, are said to have been far below the mark. Here, as elsewhere, it is not easy to understand how cumboo has suffered to the extent now represented, as the season reports written during the cumboo harvest mention no remarkable failures, although the prices soon afterwards certainly show that this grain was scarce.

31. It will, I think, be best to adopt the same plan here as in Tindivanam regarding the alleviations on dry grains, and remit the three last kists on land not occupied by any of the following items:—

Watered raggy.	Cotton.
" paddy.	Topes.
Ground-nut.	Garden-products.
Gingelly-oil seeds.	Lands on which two
Indigo.	crops were raised.
	Buildings.

The Collector must, of course, be left the usual latitude in applying these concessions, and the final result of his inquiries will most probably be that I have over-estimated the amount to be foregone.

After deducting lands occupied as above mentioned, the concessions upon "dry" amounts to Rupees 21,875, which is far less

than must have been anticipated from previous accounts, which seemed to involve the sacrifice of half the dry land revenue.

The total amount to be remitted will accordingly be—

			RS.
In wet	...	...	38,000
In dry	...	...	21,875
Total...			59,875

or about 15 per cent on the total estimated demand.

32. It is not anticipated that any measures of relief are likely to be required; at all events, for the present, beyond pushing on the ordinary works under Agricultural and Local Funds, 2,000 Rupees will be allotted for clearing out wells and improving the water-supply where there may be any deficiency. If matters do not improve, the Tahsildar might also undertake the repairs to tanks just as he did in 1868, when he tells me he completed twenty-five works of this nature; but it must be remembered that there will be plenty of work under the railway contractors, as the line is now being made through this taluk.

(Signed) G. BANBURY,

Second Member, Revenue Board.

Order thereon, 6th May 1874, No. 558.

In the foregoing letter, Mr. Banbury (Member of the Board of Revenue) reports on the condition of the South Arcot District in reply to G. O., 3rd March 1874, No. 304, Revenue Department.

2. His Excellency the Governor in Council is glad to find that in Mr. Banbury's opinion there is no reason to apprehend actual famine, though prices are high, and that by pushing on the works, imperial and local, already sanctioned and granting remissions of revenue, all will have been done that the nature of the case at present requires.

3. The remissions proposed, amounting, it is expected, to Rupees 3,04,837, or 10 per cent upon the estimated beriz of Fusly 1283, will be subject to such modifications as may appear necessary on further detailed examination, and in connection with this subject the particular attention of the Board of Revenue will be called to Mr. Banbury's remarks in paragraph 18 of his report. It is not creditable that recommendations for remission should be made in so reckless a manner without due investigation and consideration. The Collector should be directed to submit explanations from the Tahsildars referred to, and to state the method, if any, which was adopted by all the subordinate officials in recording their opinions that

specified sums should be remitted in their taluks.

4. The concessions adverted to in paragraph 6 are approved, and the recommendation in paragraph 16 is also sanctioned. The subject of paragraph 22 has already been disposed of in a separate order.

5. The Collector will be instructed to submit fortnightly reports upon the state of the district, so that, if matters should get worse, prompt action may be taken.

6. The Government approve generally of the instructions which Mr. Banbury gave on the spot, and appreciate the promptness with which he has carried out their directions.

(True Extract.)

(Signed) C. G. MASTER,

Acting Secy. to Government.

MISCELLANEOUS.

THE GUARANTEED RAILWAYS: LOSS BY EXCHANGE.

It is now twelve or fourteen years, since we first directed public attention to the arrangement by which the exchange value of the Rupee was fixed by the Home Government at 1s. 10d. in its transactions with the guaranteed Railway Companies. The arrangement has entailed a loss of several millions upon the Indian Exchequer, while Parliament is at intervals amused by assurances that the arrangement was a wise and economic one, and marked by great foresight on the part of its promoters. Thus, in his budget speech of 1869, Mr. Grant Duff is reported to have spoken as follows:—

“When the arrangements with the Indian Railway Companies were made, it was provided that for every Rupee they paid in in India from their traffic receipts, they should be credited with 1s. 10d. in London, and for every 1s. 10d. they paid in in London to our account at the Bank of England, that is, for every 1s. 10d. of capital they raised, they should be credited with a Rupee in India. A Rupee is, however, at the usual rate of exchange, worth 2s. and not 1s. 10d.; and all accounts between the India Office and the Indian Governments are settled at that figure. It follows, therefore, that the Companies lose 2d. on every Rupee they pay in in India, and gain 2d. on every 1s. 10d. they pay in in England; and that as the one and ten-pences they pay in in England are more numerous than the Rupees they pay in in India, they gain and we lose a great deal in the course of the year. Ere long, however, I am happy to say, that the tables will be turned: they will pay in more Rupees in India than one and ten-pences here, and we, not they, will begin to be the winners in the game of exchange.”

And this prediction, a late number of the *London Economist* tells us, has now come true, and “the Indian Government since 1869 has “been increasingly in a better position than it “would have been, if the exchange of 2s. had “been maintained.” Assurances of this order, when made by official men, pass for what they are worth; but when a great non-official authority endorses them, it becomes necessary to show once more how ruinous the arrangement has really been, and how ill-informed our contemporary is upon the subject. Once for all, then, *it is not possible for the arrangement to be anything but a source of loss to the Indian taxpayer*, until the profits upon the lines cover not merely the amount of the guaranteed interest, but yield a surplus beyond it. Accepting Mr. Grant Duff's account of the arrangement as correct, let us now try to show how it has worked, and how it ever *must* work as long as it lasts. In round figures, the Home Government borrowed £100,000,000 sterling many years ago from English capitalists for the construction of the Indian railways; or to speak more exactly, undertook, if they would spend that amount upon the works in question, to guarantee them 5 per cent interest upon their outlay. Instead of leaving the Companies however to remit the amount they had agreed to invest in this country in any way that might seem best to them, the Government volunteered to remit it for them; and to credit them with one Rupee in India for every 1s. 10d. paid by them into the Treasury in London. The consideration was—that when the lines were completed, and their net earnings had to be remitted back as dividends, the Companies should be credited with 1s. 10d. only for every Rupee of the earnings so coming to them.

In other words, the Home Government, acting on behalf of the Indian Exchequer, entered into a gigantic speculation in exchange, the issues of which no one could possibly predict, and stretching into a future indefinitely remote. A speculation, so gigantic that all the Exchange Banks in the world would have stood aghast if it had been proposed to them, was entered upon without any misgiving apparently that it could go wrong. It has gone wrong from the first, and there is not a shadow of reasonable hope, that it will ever go right. Instead of leaving the Companies to remit their capital to India at the current exchange of the day the Government quixotically undertook to remit it for them at the conventional rate of 1s. 10d., thus facing an immediate and heavy loss in hope of a splendid reversion doomed never to be realized. In plain words, the Government made the Companies an immediate present of several millions sterling, for a reversion so remote that the man would be thought mad who in ordinary business life should entertain the thought of it for a moment.

Every Rupee which the Indian Treasury has paid in this country for the construction of these lines in the last 25 years, has been conventionally valued in London at 1s. 10d. only; the Companies pocketing a profit of about four millions sterling in this way, or with interest added, we suppose about six millions. In other words, the Companies are our creditors for six millions sterling more than they ought to be, and than they ever advanced, through this exchange operation that was to benefit India so much.

And now for the reversionary profit that it seems is to accrue to us from the speculation, and to recoup us this great loss. The net earnings of the Companies being received in India and going into the Treasury in Rupees, are to be valued, we are told, for all time at the same conventional rate of 1s. 10d. It is true, says Mr. Grant Duff, that our speculation has resulted for the present in heavy loss, but "ere long I am happy to say the tables will be turned, and we, and not they, will begin to be winners in the game of exchange." The tune to which we have lost in this nice game is admitted; but the tables are now about to be turned; nay, according to the *Economist*, they have already turned, and we are beginning to recoup our losses. Our contemporary has overlooked the real working of the arrangement. It is quite true that for all time to come, the Companies will be able to claim credit from us in London for no more than 1s. 10d. for every Rupee of surplus profits that may have to be paid them over and above the guaranteed interest: but then there are no surplus profits, and no reasonable prospect of there ever being any. We have paid six millions sterling for the right to calculate and remit the surplus profits at 1s. 10d. instead of 2s. But until the net earnings of the Companies equal the guaranteed interest, the exchange at which we value those earnings is not worth the labour we spend on the conversion of one currency into the other. To make this plain, let us suppose that the net earnings of the guaranteed lines last year were Rupees 40,000,000 while the guaranteed interest was £5,000,000. So long then as the State has to make up the amount to five millions sterling, it is, we say, of very little consequence whether we value the Rupees 40,000,000 net earnings at 1s. 10d. or at 2s. It is a mere matter of our own book-keeping, whether the equivalent of Rupees 40,000,000 is put down as £4,000,000 sterling, or only £3,680,000. We put the forty million Rupees into the Treasury without respect to their exchange value, and we pay the five millions sterling in London. The only way in which India can ever profit by the arrangement, is by the net earnings rising to a pitch at which they over pass the interest. Suppose that the net earnings of 1873 had been sixty millions of

Rupees instead of forty, we should then have had the right to make up accounts with the Companies thus:—

Net Earnings, Rupees	
60,000,000 @ 1s. 10d. ...	£5,500,000
Guaranteed Interest ...	5,000,000

Surplus to be divided between the Companies and ourselves ...	£500,000
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And the Companies would have a claim to half this surplus (or £250,000) instead of half the larger sum which would have been due to them under a more favourable rate, say 2s. :—

Net Earnings, Rupees	
60,000,000 @ 2s. ...	£6,000,000
Guaranteed Interest ...	5,000,000

Surplus to divide...	£1,000,000
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And for the chance of reducing the reversionary profits of the Companies in this way, the Home Government has paid a sum of about £6,000,000 sterling, and saddled us with a permanent annuity of £250,000 a year in the way of interest thereon. A more unwise speculation was never entered upon, a speculation that would have broken all the Exchange Banks of the East, had they ventured upon it. And we are doomed to hear English statesmen expatiate upon its advantages in the House of Commons to this day, and to see them kept in countenance by the *Economist*. Had there been any real control of Indian Finance by the House, the nature of this blunder would long since have been laid bare. We tried to arrest the error fourteen years ago, but without success. —*Indian Economist*, May 30, p. 257.

THE IMPERIAL GUARANTEE.

FOURTEEN years after the right time, and too late unhappily, the English press is waking up to the folly of our having withheld a national guarantee from the Indian debt. Speaking of the new loan (Famine) the *Overland Mail* writes:—

"It has been a general surprise that the Government have not saved India the estimated 75,000l. a-year in respect of the new Famine loan by adding the guarantee of Great Britain. It would have cost England nothing to have guaranteed the loan, and it would have done infinitely more than saved the additional interest which, without it, has to be paid—it would have largely promoted good-will where we never cease to desire to see it. Of course the wish that our Eastern dependency should be financially free is laudable enough; and if Parliament had been asked to sanction anything in the way of a concession for the Bengal Famine, it possibly could not have been asked to do

"so little. Still we cannot but think that an opportunity has been allowed to pass in which England ought to have financially gone to the assistance of India. Whether we should stop at the Famine loan is a wider question, but one that deserves consideration. As Mr. William Fowler, the late Member for Cambridge, puts the case:—If England and India are one in finance—as it seems many, if not most, investors imagine—we (that is, India) are paying at least 3,000,000*l.* a-year more than we ought. Mr. Fowler asks that the question of responsibility should be settled. If the assumed 'moral' Imperial guarantee be moonshine, then it is time people knew it, because clearly investors in Indian loans are either getting too little or too much interest—'too much, if the debt be really guaranteed; and too little, if it be not.'"

Four long years, 1857 to 1861, were Indian Securities (four per cents) quoted below 80, and all that time did we fruitlessly strive to awaken English statesmen to the error that was being committed. In September 1857 four per cents were at 69, and in April 1861 but at 79, and though it was as plain then as now that England was prepared to spend, if necessary, 500 millions to prevent the Indian Empire being torn from her grasp, her statesmen refused to guarantee the 100 millions of her debt, out of pure deference to popular ignorance. Lord Stanley to his honour *did* intimate clearly to the House of Commons his own opinion upon the subject; but he lacked the power to lead, and the House the will to be led, to a wise and just decision upon the matter. We are pledged to retain the Indian Empire. Is it to be for one moment supposed that England, which expended sixty millions in propping up the Turkish Empire in 1855 will ever resign her own greatest dependency without a still more costly struggle? But if fifty or five hundred millions would and must, in an emergency, be spent on this object, then are we already pledged to that full extent to the retention of India. Nor only so; each year of our dominion sees an increasing portion of England's wealth invested in India; every year the Indian trade becomes a larger per-centage on her total commerce. To say that England is pecuniarily interested in India, at this moment, to the extent of five hundred millions sterling, would be no exaggeration. To resign India, therefore, would be to inflict on a portion of the British community a loss equivalent to a repudiation of sixty per cent of the national debt, without the counterbalancing advantage of relieving the tax-payers in the same proportion. Those who hold this interest of 500 millions, are amongst the most energetic and influential of the British community. Would they listen to any proposal for abandoning India? Would

it be possible to overcome their resistance to such a project, and the popular opposition they could bring to bear against such a design?

England, therefore, is pledged to retain India; so deeply and irrevocably pledged, that she can abandon it only with her national existence. This is no case in which Colonists may, as they gain strength and wealth, throw off their allegiance to the mother-country without further sacrifice than the cost of an ineffectual war. The loss of India means the loss of every fraction of English capital invested in railways, plantations, and commerce, as well as in the public debt. But holding India thus for good or evil, must we not make it pay? Is an Indian national bankruptcy under English rule, more conceivable than a national bankruptcy at home? It is simply inconceivable. Whoever goes unpaid, or underpaid; whatever remains undone; English rulers must first meet the demands of the public creditor. If they do not, they will speedily be changed by a people who regard a Government engagement as an absolute certainty.

But if England *must* retain India, and *must* make it pay, what remains? She must economise its resources. One million and a half a-year might be gained by her guarantee of the Indian debt. Such a sum spent on reproductive works would afford an annual return which, employed as a sinking fund, would purchase up every fraction of the debt in twenty-five years. Do we not expect to hold India for one generation more? Would we resign it for the few millions extra of consols into which the 100 millions of Indian debt might be converted? If England would not; if she is confident of holding India for at least one generation longer: is it not the part of prudence as well as of generosity, to incur a nominal risk for that period, which will secure her against all risk, on the same account, for all future time? A nominal risk, we term it; for to whom is the Indian debt due? Very largely to English creditors, who would suffer two-fifths more by a failure of the Indian Government, than the English tax-payer could suffer by an imperial guarantee. In either case, it is the English community which must suffer: the only difference is in the designation of those who directly bear the burden.

Take, however, the extreme case of India's being lost by an incompetence on the part of its rulers, equal to that which refuses to see the conditions of its profitable retention; and assume that the loss has, by some miracle, been made compatible with England's continued existence as an independent nation. What in such a case would be the effect of a guarantee? The English community at large would have to make good to those members of it who had previously drawn their annuities from the Indian revenue, a sum of about three millions a-year. This would be a small addition to the

burden of the English tax-payer; but it represents the extreme amount of his risk. By applying the interest saved by conversion to the redemption of the stock, the risk would diminish from year to year. By applying the profits of the conversion to works of irrigation, and the profits of the latter to the extinction of the debt, this would diminish still more rapidly; while new and inexhaustible fields would simultaneously be opened up to British enterprise. What, on the other hand, would be the effect of the loss of India *without* an Imperial guarantee of the Indian debt? Five millions instead of three, per annum would be due to the holders of Indian securities. The English taxpayer would not be called upon to make good any portion of the loss. It would fall wholly upon the fundholders. But those fundholders are themselves but a portion of the whole British community. The only difference would be that in the one case the three millions, by being distributed amongst the whole population, though burdensome, would still be no intolerable burden; while in the other, the loss, falling in the first instance upon a few thousand individuals, would reduce them to utter misery, and in the end the effects of their insolvency would be shared, in one form or another, by every member of the society.

England as a nation has positively nothing to gain, but much to lose, by refusing that guarantee on which the development of our resources so largely depends. The very simplicity of the demonstration may cause some to regard it with suspicion; for, they will argue, if the matter is so plain, how can it have escaped the notice, or failed to reach the convictions, of statesmen who have been Chancellors of the Exchequer, and what not? But history teaches us that the simplest truths, however convincingly demonstrated, may remain for generations unrecognized even in the country of Adam Smith; and that in a popular assembly like the House of Commons, words count for a vast deal too much with men who will not be at the trouble of examining their true significance. Yet we may surely claim that the effort should be made; that the refusal of a guarantee should be shown to be utterly futile, a source of loss, and no means of safety. It would then rest with the conscience of Parliament to sanction or reject this great means of India's welfare. Selfishness has tinged with a dark line the whole course of our transactions with India, and dictated the cry of "self-dependence" with which we mock its people, while at the same time they are deprived of all effective control of their monetary affairs. By the refusal of England to guarantee the Indian debt, a sum of one million and a-half sterling a-year is as absolutely wasted as if it were cast into the sea.

The high rate of interest which the want of an Imperial guarantee forces the Indian

Government to offer, has drawn a large amount of English capital into Indian securities. On the eve of any convulsion, the natives of India would make haste to rid themselves of what securities they still held; and the close of a struggle which should deprive us of India, would leave the whole Indian debt due to English fundholders. Even as the case stands, an enormous portion is in the hands of English holders, so that, in the event of a national bankruptcy, the greater portion of the loss would fall upon the English community. Whether in such a case the English holders of Indian securities could prevail upon the House of Commons to assume the payment of their dividends as a national responsibility, may admit of question. This much only is certain, that such a responsibility, assumed at the eleventh hour, would involve a needless and enormous loss, while its entire repudiation would inflict a fatal blow on English credit, costing more in the long run than even the other alternative.

Many years ago, we predicted in the *Times of India* as one of the financial certainties of the future, a gradual approximation in the price of Indian securities to that point at which an equal investment would produce an equal return in them, as in Consols. The process on which we calculated, as the means of bringing about this result, long since commenced. The Court of Chancery, forsaking Consols, has been investing its trust funds in Indian stock for many years past. The example has been gradually followed by all the trustees of large funds in the kingdom. "Enlightened self-interest," as we repeatedly pointed out, enables investors to pierce through the pretence of non-responsibility so loudly proclaimed by English financiers, to perceive that every addition to the national debt of India is an addition to the ties which bind the country to England, and, therefore, an *Imperial Guarantee*, as effective and certain as if it were ostentatiously proclaimed upon every bourse in Europe. What binds England to the retention of India, apart from consideration of national prestige, is the extent of the interest held by English citizens in the country. That interest increases, and must increase, every day. The national debt of India is a portion of that interest, but a portion whose ratio to the whole constantly diminishes; and England can throw up her practical responsibility for the Indian debt only with her hold on the country, and at the sacrifice of all her capital invested in it. This she will not, because she cannot do, consistently with her own solvency; and the guarantee of both funds being practically the same, capital will forsake that which affords the smaller, for that which offers the larger, return.

The improvident principle, upon which the Indian loans at the time of the Mutiny were

raised, did not escape remark, even from Englishmen. An old and highly respected banker in the North of England criticised those arrangements as follows:—

"Sir Charles Wood and Mr. Gladstone, in borrowing money in the British market for the use of India, offered five per cent for it, and gave to the lenders the same facilities for receiving their dividends as those possessed by the holders of the three per cent Consols. If these gentlemen had wished to depreciate the value of three per cent Consols, and thus to prevent any future Chancellor of the Exchequer from borrowing money at that rate, they could scarcely have devised a more effectual method for accomplishing their object. It is true that these Indian loans are professedly borrowed on Indian securities; but if those securities be not unquestionably good, those who are entrusted with the custody of the national credit of Great Britain ought not to have given their sanction to them at all, for it would be a woful day to British credit if our national rulers were to attempt to repudiate these Indian loans on the plea that the Indian revenue was inadequate to pay the interest upon them; and if they are perfectly safe, then our financial ministers, by giving them the proper benefit of British credit, might have obtained the money at or near three per cent, and by so doing have upheld the value of Consols, and greatly economised the national expenditure."—*Mystery of Money Explained*, p. 32.

No one, of course, asks England to guarantee the Indian debt as it stands. Such a proposal would betray a want of businesslike sagacity no less remarkable than the short-sightedness of the policy at present in favour. To guarantee the hundred millions of Indian debt would be to place that sum on the footing of Consols, and thus make a present of some forty millions to Indian stock-holders. Such an arrangement is out of the question; and if the conversion is to be simply from Indian to English perpetual annuities, it should, of course, be made at the price of the day. If Indian five per cent stock stands at par, while three per cents are at 90, the effect of an unconditional guarantee would be to raise the former to 150, and to impoverish either India or England by the whole amount of the difference. If the Indian fundholder wishes for a better security, he must be content to accept a rate of interest lower, in the proportion of 100 to 150; since for an annuity of 5*l.* guaranteed by England, as in Consols, the public is willing to pay the latter sum, while the same annuity, guaranteed but by India, commands only the former. Any such conversion must, of course, be at the option of the fundholders; and a moment's reflection will show the needless difficulties and the frightful losses that have been incurred by the pottering and timid policy which refused a guarantee and its advantages in the first instance and at the time when we so earnestly counselled it.—*Idem*, p. 267.

GOVERNMENT SEED DEPOT, BENGAL.

THE formation of a central dépôt for the supply of seeds, grafts, &c., to the public gardens and experimental farms in which attempts are being made to improve the husbandry of the people of Bengal, has been in contemplation for some time past, to meet the numerous applications which are being made from the districts for seeds of all kinds. For exotic seeds and plants, Calcutta would perhaps be the most convenient dépôt as it is near the sea-board, and sufficiently central for the purposes of the farms. It has also the advantage of a botanical garden under the management of officers of great knowledge and experience as botanists, who would be willing to assist in distributing the plants and seeds.

As the establishment of the experimental farms will necessitate constant indents for seed for experimental purposes, and as Government has as yet no seed dépôt for their supply, local officers have been asked to assist one another as far as is in their power, in procuring such seeds, until arrangements can be made for their supply from a central dépôt.

Some months ago, Mr. Robertson, of Madras, Mr. Fretwell, of the Khandesh Farm, and Dr. King, of the Botanical Gardens, were asked to favour the Government with such suggestions as might occur to them for the commencement of such a dépôt. And the request has elicited several very interesting papers on the subject which we subjoin. The papers are certainly very valuable. With reference to Mr. Robertson's suggestions, however, it may possibly not be necessary to store the whole of the seed in stock in thin layers on a granary floor; and we certainly do not like iron roofs in this climate, which in this case would entail the sacrifice of a drying and winnowing platform. We fear also that neither Messrs. Lawson, of Edinburgh, nor Messrs. Sutton and Co., of Reading, could send us a man likely to be "well-informed as to the seed-producing capabilities of the different parts of Bengal" or "well-acquainted (except theoretically) with the vegetable productions of tropical and semi-tropical countries" or "able to advise as to the suitability of any newly introduced crops or trees to the circumstances of any given locality in Bengal." We think we shall have to ask Mr. Robertson himself for the man we want.

In Bombay they have, we believe, proposed a rather more extensive scheme of seed distribution than is contemplated in Bengal; but it is worth considering whether the number of model farms might not be reduced, if a wide system of seed distribution is to be organised. As Mr. Robertson puts it, "good seed" is by no means a *secondary* consideration, but may precede "good farming practice" with advantage, whilst the latter must be unsatisfying in its results if good seed is not available.

Suggestions by MR. W. R. ROBERTSON.

I have been desired to suggest the steps to be taken for the formation of a central dépôt for the supply of seeds, grafts, &c., to the public farms and gardens in the various provinces of Bengal.

I am in doubt regarding the sense in which the term "central" is used, whether in a geographical sense, or as simply indicating the head-quarters or centre of action; but I shall assume that it is in the latter, and that it is intended to establish the central dépôt somewhere near Calcutta, the centre from which, in Bengal, all Government action emanates. I shall also take it for granted that the dépôt is not to be merely a place of temporary deposit for seeds, grafts, &c., but that it will in addition afford facilities for preserving, acclimatizing, and multiplying the seeds, roots, cuttings, &c., of useful plants received from abroad. To establish such an undertaking on a sound footing, it will be necessary to secure a block of suitable land, and to erect upon it the buildings needed; these buildings may be a granary in which seeds may be received, cleaned, stored, and again packed for despatch, a propagating and seed-testing house, and one or two sheds. The area of land to be taken up need not at commencement be large, probably 20 acres would be quite sufficient. The soils should be as varied as it is possible to meet with on such a small area of land. The whole should be capable of being thoroughly drained, and ample irrigation means should be provided. The buildings at first need not be extensive, but they should be so erected that at any time they can readily be extended in harmony with the original design in view to the economy of labour. The granary may consist of four rooms,—a receiving room, a sorting and cleaning-room, a packing-room, and a seed-room. The three rooms first mentioned need not be large, but it is of the utmost importance that the seed-room should have ample accommodation to admit of the seed being stored in thin layers over a large surface of floor, and to allow of it being readily turned and inspected. This room should contain no fixtures of any sort, and its walls should be plastered, in order that there should be no shelter for insects, &c. The ventilation of this room should be under complete control. The whole erection should be well and substantially built to guard against weevils, white-ants, rats, squirrels, &c., which, in a badly erected granary, are exceedingly destructive to the seed stored. It is advisable that asphalted floors and iron roofs should be adopted. The propagating and seed-testing house may be an ordinary glass-house, in which the temperature can be regulated.

The sheds may be simple erections, such as are found to be necessary. Dépôts should

be started in a few selected districts to be worked as branches of the central dépôt; indeed, without these branches the central dépôt would be of little use beyond its own immediate neighbourhood. These dépôts need not be more than mere local agencies for procuring and distributing seeds, plants, &c., &c. The whole undertaking should, I think, be placed under the management of a practical seedsman, who also possesses some knowledge of the management of tree nurseries. There would not, I imagine, be any difficulty in securing the services of a competent man from the establishments of Messrs. Lawson and Sons, of Edinburgh, or of Messrs. Sutton and Co., of Reading, Berkshire, or, at any rate, through the agency of either of these firms. The duties of the officer at the head of the seed department would be chiefly those of an ordinary seedsman; he should be the agency through which the wants of the different districts would be met; he should keep himself informed of the seed-producing capabilities of the different parts of Bengal, and should be able, at any time, to procure seeds from the best districts for use in localities in which, though the soils are good, the seed is inferior; and he should be well acquainted with the vegetable productions of tropical and semi-tropical countries, in order that he may at all times be able to procure such seeds, plants, &c., as may be required, and be able to advise as to the suitability of any newly-introduced crops or trees to the circumstances of any given locality in Bengal. I am not aware whether there is any intention of organizing a system of farms over Bengal; but if there is, the central seed dépôt might be connected with the central farm, and the branch dépôts with the district farms. If connected with such an agency, the action of the farms would become more satisfactory, as the seed of a superior kind produced on them would thus meet with a ready demand, and be more widely diffused over the country.

In conclusion, I would observe that the mere introduction of good seed into India, and the distribution of it over the country, will do little for the permanent benefit of Indian agriculture, unless accompanied by some general effort to improve the agricultural practice. It seems to me that before attempting to introduce largely improved varieties of trees and seeds from other countries, we should endeavour first to bring about something like an equilibrium in the *quality* of our field productions. There is nothing which illustrates more forcibly the apathy and want of enterprise amongst our cultivators than the fact that in one district they are content to produce an inferior variety of tree or crop, while their neighbours, perhaps not a day's journey distant, in exactly similar circumstances, are producing trees and crops of greatly superior varieties. In work such as

this there is much to be done, and under present circumstances with far greater prospect of permanent good to the country than can possibly result from even a large expenditure of money in importing and spreading over the country valuable trees and seeds obtained from abroad.

Suggestions by DR. KING, Royal Botanic Garden, Calcutta.

I have the honour to submit my opinion as to the formation of a *depôt* of seeds, from which distribution might be made to public gardens, experimental farms, &c. I am of opinion that it would be advantageous if there were such a *depôt*, as under competent skilled management the mistakes ought to be avoided which are often made when inexperienced people order seeds for themselves from Europe or elsewhere. The seeds to be distributed from such a *depôt* would be either those of plants indigenous to India, such as timber trees, country vegetables, cereals, &c., or seeds of introduced plants, such as European vegetables and flowers. For the supply of the former I would suggest that, with some little increase, the establishment at this garden would be sufficient; a proper seed-house would, however, undoubtedly require to be built. I submitted to Government two years ago a proposal that I should be permitted to communicate with the officers of the Forest Department over the whole of India, with the view of obtaining supplies of seeds of the valuable trees characteristic of the different parts of the country, so that these supplies might be sent here and from hence distributed to other districts suitable for their growth, both within India and beyond it.

This scheme, though sanctioned by Government, lay in abeyance during my recent absence in England, but since my return I have taken steps to carry it out. As regards Indian cereals and vegetables, the seeds of these could be raised in ground set apart for the purpose within the bounds of this garden, or if the demand were greater than could be so supplied, on a piece of land lying near the garden rented for the purpose. There are, however, certain sorts of both cereals and native vegetables which are raised much more readily and much better in the dry climate of Upper India than in that of Bengal, and which might be supplied to the central *depôt* from the Botanical Garden at Saharanpore, or from the public gardens at Lucknow and Lahore. This could be easily arranged. The climate of the Patna district is well adapted to seed growing, and, if it is considered necessary to grow all supplies within the territory under the Lieutenant-Governor of Bengal, some of the sorts might be grown at Patna if proper arrangement were made. With regard to the second kind of seeds above mentioned, namely those of vegetables and flowers,

I would very strongly recommend that no attempt be made to grow such anywhere near Calcutta. The idea of "acclimatizing" English vegetables in India, in other words, of propagating them from year to year by seed raised in this country, is not very practicable in any part of India, but least of all perhaps in Lower Bengal. "Country" or "acclimatized" seed usually germinates freely enough, but the vegetables are flavourless and insipid. English-grown seed, on the contrary, is often uncertain in germination (this is often, however, due to improper treatment), but the resulting vegetables have nearly the full flavour of those one gets in England.

The acclimatization in India of the seeds of the kinds of annual flowers usually cultivated in English gardens has been much more successful than that of seeds of vegetables; the reason being that most of the annuals are themselves exotic in England and are natives of warmer climates. At Lucknow, Bangalore, Saharanpore, and Lahore, but especially at the two former places, the success in acclimatizing annuals has been remarkable. In or near Calcutta it has been very poor. I myself have no doubt whatever that the difference of climate explains this, and I do not believe it is any use trying to grow such seeds in a moist climate like that of Lower Bengal. I would, therefore, recommend that if such annual flower seeds are to be supplied from the proposed *depôt*, the supplies be got from the places already mentioned, or, if they must be raised within Bengal, that they be grown at Patna. As regards English vegetable seeds, my opinion is that supplies should be sent direct from a good seedsman in England to the place where they are to be sown without passing through any *depôt* in India. Indents could be arranged in the *depôt* if necessary, and sent from it to the seedsman who is to supply them, but I see nothing whatever to be gained by having the seeds sent to a central *depôt* in this country. The parcel post now affords great facility for direct communication. The climate of Calcutta at the season when seeds of English vegetables must arrive is very damp and steamy, and is one most fatal to the vitality of European seeds. I feel quite sure that the experience of every body who has bought English seeds from a Calcutta dealer, or who has got them otherwise than direct from England by post, is one of disappointment and vexation. I cannot see that anything is to be gained by collecting seeds sent from England in a general *depôt* in India prior to distribution, while, on the other hand, delay is certain to take place, as some time must be occupied in repacking, forwarding, &c., and delay is of all things to be avoided. Lastly, I would suggest that any seeds to be got from England, be got direct from a seedsman, and not through the India Office.

Suggestions by Mr. VAUSE FRETWELL, Khandesh Model Farm.

With reference to the establishment of "a central depôt for a supply of seeds, grafts, &c., to the public gardens and experimental farms in Bengal," I have the honour to submit the following observations:—

In the first place, I would recommend that the central depôt should farm a branch of the principal experimental farm in the province, the Superintendent of which should exercise a general supervision over all the other farms in the same province. Looking to the extent of business likely to be transacted at such a central depôt for such a large area, it would doubtless require a special assistant, but his operations should be under the control of an officer occupying a position similar to that held by Mr. Robertson in Madras. The large quantities of selected seed likely to be required, precludes the idea of a mere seed-garden supplying the demand, as I presume that the issue of selected seed would not be confined to the quantities required for the Government farms, but that an endeavour would be made to supply improved seed to the cultivators of each district, the produce of which is at present of a superior description. Every experimental farm in the province should be at once a source of supply to the central depôt, and itself a depôt for the distribution of improved seed in its vicinity.

The accounts of the seed depôt should be entirely distinct from those of the farm to which it may be attached, and the Superintendent would have to depend for its supply, not only on his home farm and those subordinate to it, but on similar institutions in the other presidencies, and on the co-operation of the district civil officers throughout Bengal. All imported seeds should be acclimatized on the home farm. Taking into consideration the large extent of business to be expected, I am not disposed to recommend the construction of buildings on such a scale as to admit of the whole stock being stored (as in an ordinary seed-room) in thin layers on the floor. In the dry climate of India, it will suffice to keep it (after having been once secured in good condition) in wicker-work "kungis"* such as are used by the cultivators of the presidency to store their produce in. A few neem-tree leaves, intermixed with the grain, will suffice to preserve it from insects, and the contents of each kungi should be turned out periodically on to the floor to be aired and examined. The store-rooms should be on an upper story, well ventilated, and secured against the entry of vermin. It should have preferably a flat chunam roof,

which could be used as a drying ground. There should, in addition, be chunam "bar-becuse" in front of the building for similar purposes. The lower story should be occupied by the office, sorting, receiving, and despatching rooms, and the whole should be of pucks materials, weather and vermin proof. Knowing nothing of the cost of labour and building materials in Bengal, I am not in a position to furnish estimates of the probable amount of outlay requisite.

The propagation of cuttings, grafts, and seedlings would form a part of the home farm operations, and no special expenditure need be incurred on this account by the seed depôt, which would simply have to credit the farm with everything received from it for distribution. I do not think it would be wise to attempt to make the seed depôt self-supporting, as it will take a long time to convince the native cultivator of the advantages to be derived from the use of selected seed at a price higher than that ruling in his neighbourhood for the ordinary produce of the district. Selected seed should therefore be supplied (in the first place) in districts, the produce of which is inferior at the current market rates of the district; all expenditure incurred for carriage and selection being borne by the depôt. If this is done, it is sure to stimulate a desire in the native cultivator to ascertain for himself a knowledge of the improved methods which have resulted in producing grain superior to his own, and in this manner the influence of the model farms may be (at a comparatively small cost) extended far beyond their immediate neighbourhood, and less expenditure will have to be incurred in multiplying them throughout the districts. The establishment of such an agency for the general distribution of seed, &c., of improved qualities, cannot, I think, fail in popularizing the agricultural practice followed out on the model farms. Let the ryot see the results in the shape of improved produce *first*, before showing him the extra cost of the improved practice, and his curiosity will be aroused to ascertain whether he has it within his power to achieve the same result. As it is, the usual matter which first attracts his notice on the model farms, is the cost of working them, of which he usually hears most exaggerated reports, and frightened by this, he makes no inquiry whatever as to results. It is, in fact, not stupid apathy which deters him from attempting improvements when the way is shown to him, but his imppecuniosity. In my opinion, the native cultivator compares favourably (so far as intelligence goes) with the English agricultural labourer of a dozen years ago. His prejudices against improvements are not the result of stolid pigheadedness, but of his bondage to the village sircar.—*Idem*, p. 268.

* A "kungi" is a large circular wicker-work "bin" capable of containing from 100 to 150 bushels of grain, and admitting the air through the interstices in the wicker-work.

ACT OF THE GOVERNMENT OF INDIA.

THE following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 7th April 1874.

ACT No. IX of 1874.

THE EUROPEAN VAGRANCY ACT, 1874.

An Act to consolidate and amend the law relating to European Vagrancy.

Whereas it is expedient to consolidate and amend the laws relating to persons of European extraction who wander in a destitute condition throughout India; It is hereby enacted as follows:—

PART I.

Preliminary.

1. This Act may be called "The European Vagrancy Act, 1874."

It extends to the whole of British India and to the dominions of Princes and States in India in alliance with Her Majesty;

And it shall come into force at once: Provided that Sections 4 to 20, 24 and 29 shall not

come into force in Coorg, or in the Andaman and Nicobar Islands, or in any of the dominions of the Princes and States in India in alliance with Her Majesty not situate within the limits of any Presidency, Lieutenant-Governorship or Chief Commissionership in British India, until such day or respective days as the Governor-General in Council from time to time, by notification in the *Gazette of India*, appoints in this behalf.

2. Acts No XXI of 1869 (to provide against European Vagrancy) and No. XXVIII of 1871 (to amend the European Vagrancy Act, 1869) are hereby repealed.

But all appointments and orders made, work-houses provided, certificates given, powers conferred, rules prescribed, and exemptions granted under the former Act shall be deemed to have been respectively made, provided, given, conferred, prescribed, and granted under this Act.

Interpretation-clause.

"Person of European Extraction." "Person of European extraction" includes—

(a) persons born in Europe, America, the West Indies, Australia, Tasmania, New Zealand, Natal, or the Cape Colony,

(b) the sons and grandsons of such persons, but does not include persons commonly called Eurasians or East Indians:

"Vagrant" means a person of European extraction found asking for alms, or wandering about without any employment

or visible means of subsistence:

"Master of a ship." "Master of a ship" includes any person in charge of a decked vessel:

And in Parts III and V of this Act, "Magistrate" means, within the limits of the towns of Calcutta, Madras, and Bombay, a Magistrate of Police, and outside those limits, a person exercising powers under the Code of Criminal Procedure not less than those of a Magistrate of the 2nd Class.

PART II.

Procedure.

4. Any Police officer may, within the limits of the towns of Calcutta, Madras, and Bombay, require any person who is apparently a vagrant to accompany him or any other Police officer to, and to appear before, the nearest Magistrate of Police, and may, without those limits, require any such person to accompany him or any other Police officer to, and to appear before, the nearest Justice of the Peace exercising the powers of a Magistrate of the 1st Class under the Code of Criminal Procedure.

5. The Magistrate of Police or Justice shall in such case, or in any other case where a person apparently a vagrant comes before him, make a summary inquiry into the circumstances and character of the apparent vagrant; and if he is satisfied that such person is a vagrant, he shall record in his office a declaration to that effect.

If he is further of opinion that the vagrant is not likely to obtain employment at once, or if he has reason to believe that a declaration of vagrancy has on any former occasion been recorded in respect of such vagrant, he shall require the vagrant to go to a Government work-house, and shall draw up an order to that effect.

The vagrant shall then be placed in charge of the Police for the purpose of being forwarded to the work-house, and the said order shall be a sufficient authority to the Police for retaining him in their charge while he is on his way to the work-house, and to the Governor of

the work-house for receiving and detaining such vagrant.

6. Where the officer making the inquiry mentioned in Section 5 is of opinion that the vagrant is likely to obtain employment in any place subject to the local Government, or (when the vagrant is in any part of the dominions mentioned in Section 1) in any place subject to any adjacent local Government, such officer may, in his discretion, forward the vagrant to such place in charge of the Police, and draw up an order to that effect.

Such order shall be a sufficient authority to the Police for retaining the vagrant in their charge while he is on his way to such place of employment.

7. Upon his arrival at the place of employment, the vagrant shall be taken before the nearest Magistrate of Police or Justice of the Peace exercising powers as aforesaid, to whom the order for transmission shall be delivered.

Such officer shall thereupon, to the best of his ability, assist the vagrant in seeking employment, and may in the meantime, if he think fit, keep the vagrant in the charge of the Police.

Should the vagrant fail to obtain suitable employment within a reasonable time not exceeding fifteen days from such arrival, such officer shall forward him to Government work-house in the manner provided by Section 5.

8. Every person while in charge of the Police, whether before inquiry as to his vagrancy, or while he is on his way, under Section 5, to the work-house, or, under Section 6, to a place of employment, shall be entitled to an allowance for his subsistence at the rate of 8 Annas per diem.

The Magistrate of Police or Justice, before whom any vagrant is taken under Section 7, may, if he think fit, order the vagrant to receive a similar allowance while he is seeking employment.

The local Government shall cause such allowance to be paid out of such funds at its disposal and in such manner as it may from time to time direct.

9. Any Magistrate of Police or Justice of the Peace exercising powers as aforesaid may, on being satisfied that any person of European extraction is not likely to become a vagrant, give such person a certificate under his hand stating that for a certain time (mentioning it) not exceeding

six months from the date of the certificate, and within certain limits (mentioning them), nothing in Sections 4, 5, 6 and 7 shall apply to the holder of such certificate; and thereupon so long as the certificate remains in force nothing in Sections 4, 5, 6 and 7 shall apply to such person within such limits as aforesaid.

Every such certificate shall be in the form set forth in the first Schedule to this Act annexed, or as near thereto as circumstances will admit.

10. The local Government may from time to time, by notification in the official Gazette, invest any Justice of the Peace, District Superintendent of Police, or Assistant District Superintendent of Police with the jurisdiction and powers conferred by this Part on a Justice of the Peace exercising powers as aforesaid.

PART III.

Government Work-houses.

11. The local Government, with the previous sanction of the Governor-General in Council, may provide work-houses, with their necessary furniture and establishment, at such places as it may think proper, for the temporary reception of vagrants,

or may, by writing under the hand of a Secretary to such Government, certify any building, or part of a building not provided as a work-house under the former part of this section, to be fit for a work-house for the purposes of this Act. Every such certificate shall be published in the local official Gazette, and thereupon such building or part of a building shall, until the local Government otherwise orders, be deemed a Government work-house under this Act.

The local Government shall allow the same scale of diet for the support of vagrants received in such work-houses as is for the time being allowed for Europeans confined in the local prisons or penitentiaries.

12. Every such work-house shall be under the immediate charge of a Superintendent of work-houses, a Governor, who shall be appointed, and may be suspended or removed, by the local Government.

Every such Governor shall, if the local Government think fit, be subject to the orders of a Committee of Management appointed from time to time by such Government, or,

in the absence of a Committee, to the orders of such officer as the local Government from time to time appoints in this behalf.

13. Every such Governor may order that any vagrant admitted to the work-house under his charge shall be searched, and that the vagrant's bundles, packages, and other effects shall be inspected, and may direct that any money then found with or on the vagrant shall be applied (subject to the orders of the local Government) towards the expense of carrying this Act into execution, and may order that all or any of the said effects shall be sold, and that the produce of the sale be applied as aforesaid, but subject to the like orders.

14. Vagrants admitted to work-houses under this Act shall be subject to such rules of management and discipline as may from time to time be prescribed by the local Government with the previous sanction of the Governor-General in Council.

The local Government may authorize any Governor of a work-house to punish (under or not under the supervision and direction of a Committee of Management, as the local Government thinks fit) any vagrant who knowingly disobeys or neglects any such rule with any one of the following punishments (namely)—

(a) solitary confinement within the work-house for any time not exceeding seven days;

(b) solitary confinement within the work-house for any time not exceeding three days upon a diet reduced to such extent as the local Government may prescribe;

(c) hard labour for any time not exceeding seven days;

(d) reduction of diet to such extent as the local Government may prescribe for any time not exceeding five days.

Or in lieu of any such punishment any such vagrant may, on conviction before a Magistrate of such disobedience or neglect, be punishable with rigorous imprisonment in jail for a term which may extend to three months.

15. The Governor and the Committee of Management (if any) of every such work-house shall use his and their best endeavours to obtain outside the work-house suitable employment for the vagrants admitted thereto.

When such employment is obtained, any such vagrant refusing or neglecting to avail himself thereof, shall, on conviction before a Magistrate, be punishable with rigorous imprisonment for a term which may extend to one month.

PART IV.

Removal from India.

16. If after the lapse of a reasonable time no suitable employment is obtainable for any such vagrant, the local Government may either (when he has entered into such agreement as hereinafter mentioned) cause him to be removed from British India in manner hereinafter provided, the cost of such removal being paid by Government;

or it may cause Sections 23 and 30 to be read to him and may then release him.

17. Any vagrant or other person of European extraction may enter into an agreement in writing with the Secretary of State for India in Council, binding himself—

(a) to proceed to such port in British India as shall be mentioned in the agreement;

(b) there to embark on board such ship and at such time as is directed by an officer appointed in this behalf by the local Government of the territories in which such port is situate, for the purpose of being removed from India at the expense of the said Secretary of State in Council;

(c) to remain on board such ship until she has arrived at her port of destination; and

(d) not to return to India until five years have elapsed from the date of such embarkation.

Every such agreement may be on unstamped paper and shall be in the form set forth in the second Schedule to this Act annexed, or as near thereto as circumstances admit.

18. The local Government of the territories in which the said port is situate may enter into such contracts for conveyance or otherwise, and perform such other acts as may be necessary to carry out such agreement on the part of the said Secretary of State in Council.

PART V.

Penalties.

19. Any person refusing or failing to accompany a Police officer to, or to appear before, a Magistrate of Police or Justice of the Peace, for the purpose of preliminary inquiry, when required so to do under Section 4, may be

arrested without warrant and shall be punishable, whether he be, or be not, an European British subject, on conviction before a Magistrate, with imprisonment for a term which may extend to one month, or with fine, or with both.

And any person who, when required under Section 4 to accompany Assaulting Police. a Police officer to, or to appear before, a Magistrate of Police or Justice of the Peace, commits an offence punishable under Section 353 of the Indian Penal Code, may, whether he be, or be not, an European British subject, be tried by a Magistrate for such offence.

20. Any vagrant who escapes from the Police while committed to their charge under the orders specified in Sections 5 and 6,

Escaping from Police. or who leaves a work-house, under this Act, without permission from the Governor,

Quitting work-house without leave. • or who having with such permission left a work-house for a limited time or a specified purpose, fails to return on the expiration of such time

Failing to return to work-house. or when such purpose has been accomplished or proves to be impracticable, shall for every such offence be punishable, on conviction before a Magistrate, with rigorous imprisonment for a term which may extend to two years.

21. Any person entering into an agreement under Section 17, and failing to proceed in pursuance thereof to the port therein mentioned,

Failing to proceed to port of embarkation. or refusing to embark when directed so to do under the same section,

Refusing to go on board ship. or escaping from the ship in which he has so embarked before she has reached her port of destination,

Escaping from ship. shall for every such offence be punishable, whether he be, or be not, an European British subject, on conviction before a Magistrate, with rigorous imprisonment for a term which may extend to six months.

22. Any person returning to India within five years of the date of his embarkation pursuant to any agreement entered into under Section 17,

Returning to India. unless specially permitted so to do by the Secretary of State for India, shall for every such offence be punishable, whether he be, or be not, an European British subject, on con-

viction before a Magistrate, with rigorous imprisonment for a term which may extend to two years.

23. Any person of European extraction found asking for alms when he has sufficient means of subsistence,

Begging. or asking for alms in a threatening or insolent manner,

or continuing to ask for alms of any person after he has been required to desist,

shall be punishable, whether he be, or be not, an European British subject, on conviction before a Magistrate, with rigorous imprisonment for a term not exceeding one month for the first offence, two months for the second, and three months for any subsequent offence.

24. Every person imprisoned under Sections 19, 20, 21, 22 or 23, shall,

Procedure on at the end of his term of close of imprison- imprisonment, be placed ment. before the nearest Magistrate of Police or Justice

of the Peace exercising powers as aforesaid, who shall, if he think fit, forthwith deal with him in the manner prescribed by Sections 5 and 6.

The order of transmission shall certify the fact of the previous conviction.

25. Every master of a ship landing or allowing to land in any part of British India any master bringing person of European ex- European convicts traction who has been to India. convicted in any other part of Her Majesty's

dominions of felony, or of an offence which, if committed in England, would be felony, shall, on conviction before a Magistrate, be liable, for every such person so landed or allowed to land, to pay a fine not exceeding 500 Rupees and not less than 100 Rupees, and, in default of payment, to imprisonment for any term not exceeding two months,

unless the defendant satisfy the Magistrate by evidence (which the defendant is hereby declared competent to give) that he had made due inquiry as to the person so landed, or allowed to land, and that he had no reason to believe that such person had been convicted as aforesaid.

The Governor-General in Council may from time to time, by notification

Power to exempt certain ship- India, exempt from the masters. operation of the former part of this section

masters of any class of ships, on such terms as to the Governor-General in Council seem fit, and either in respect of all or of any of the persons on board such ships.

The Governor-General in Council may in like manner revoke any exemption made under this section.

26. All fines imposed under this Act may be recovered, if for offences committed outside the local limits of the

Recovery of fines. towns of Calcutta, Madras, and Bombay, in the manner prescribed by the Code of Criminal Procedure, and if for offences committed within those limits, in the manner prescribed by any Act regulating the Police of such towns in force for the time being.

All fines recovered under this Act shall be paid to the credit of the

Payment of Government of India, or fines. as the Governor-General in Council from time to time directs.

27. All prosecutions under this Act may be instituted and conducted by such officer as the local

Prosecutions. Government from time to time appoints in this behalf.

28. In imposing penalties under this Part and Part III of this Act,

Limits of jurisdiction. no person shall exceed the limits of jurisdiction prescribed for him by the Code of Criminal Procedure in the case of offenders not being European British subjects.

29. No proceeding under this Act shall be deemed invalid by reason

Validity of proceedings where only that the Magistrate of Police or Justice, before whom a person, apparently a vagrant, was required to appear, or before whom

a person was placed under Section 24, was not the nearest.

PART VI.

MISCELLANEOUS.

30. Any European British subject who, upon the summary inquiry

Deprivation of mentioned in Section 5, privileges of European British subjects under Criminal Procedure Code. has been determined to be a vagrant, or who has been convicted under Section 22 or Section 23, shall, so long as he remains in India, be subject, beyond the limits of the said towns, to the provisions of the Code of Criminal Procedure (other than those contained in Chapter XXXVIII of the same Code) applicable to an European not being a British subject.

If from any cause he is committed or held to bail by a Justice of the Peace to take his trial before a High Court, he shall not be at liberty to object to the jurisdiction of such Justice of the Peace or High Court on the ground of anything contained in the former part of this section.

Save as aforesaid nothing herein contained shall be deemed to confer jurisdiction over European British subjects on Magistrates who if this Act had not been passed, would have had no such jurisdiction.

31. Whenever any person of European extraction lands in India,

Liability of im- or, being a Non-Commissioned Officer or Soldier porters of Europeans or employers in Her Majesty's Army, of soldiers becoming vagrants. leaves that Army in India, under an engagement to serve any other person, or

any Company, Association or body of persons in any capacity,

and whenever a sailor of European extraction not being a British subject, is discharged from his ship in any British Indian port,

and becomes chargeable to the State as a vagrant within one year after his arrival in India or leaving the Army, or discharge from his ship, as the case may be, then the person, or Company, Association or Body, to serve whom he has so landed in India or left the Army, or, in the case of a sailor, the person who is at the date of the discharge the owner or agent of the ship from which the sailor has been so discharged, shall be liable to pay to the Government the cost of his removal under this Act, and all other charges incurred by the State in consequence of his becoming a vagrant.

Such costs and charges shall be recoverable by suit as if an express

Recovery of agreement to repay them charges. had been entered into with the Secretary of State for

India in Council, by the person, Company, Association, Body, owner or agent chargeable.

32. When any person of European extraction lands in India, being

Liability of consignee in case of or having been during his passage to India, or from Europeans who arrive in charge of one Indian port to another, in charge of, or in attendance upon, any animal, and animals and become becomes chargeable to the State as a vagrant within

one year after his arrival in India, then

the consignee of such animal, or the agents in India for the sale of such animal,

or, if such consignee or agents cannot be found,

the agent to whom the ship in which such animal arrived in India was consigned,

shall be liable to pay to the Government the cost of such person's removal under this Act, and all other charges incurred by the State in consequence of his becoming a vagrant.

Any such consignee or agent shall be entitled to charge the consignor or principal for any payment to the Government under this section.

For the purposes of this section 'consignee' includes any person who undertakes to dispose of such animal for the benefit of the consignor, and

'Consignee' defined.

'Agent' includes any person who undertakes the agency of such ship, though it may not have been consigned to him.

'Agent' defined.

33. In any proceeding under this Part, a certified copy of the declaration recorded under Section 5, shall be *prima facie* evidence that the European British subject named therein has been, upon the summary inquiry mentioned in that section, determined to be and that he was at the date of the declaration a vagrant.

34. The powers and duties conferred and imposed by Sections 16 and 18, on a local Government, may be exercised and performed by such class of officers as the local Government from time to time, by notification in the official Gazette, appoints in this behalf.

Exercise of powers conferred on local Government.

35. The powers and duties conferred and imposed by this Act on Magistrates, Justices of the Peace exercising the powers of a Magistrate of the 1st Class, and Police officers respectively may, in places beyond the limits of British India, be exercised and performed by such persons respectively as the Governor-General in Council from time to time, by notification in the *Gazette of India*, appoints in this behalf.

Exercise in Native States of powers conferred on Magistrates, Justices, and Police.

36. The Governor-General in Council may from time to time make rules, consistent with this Act, for the guidance of officers in matters connected with its enforcement.

Power to make rules for guidance of officers.

All such rules shall be published in the *Gazette of India*, and shall thereupon have the force of law.

THE FIRST SCHEDULE.

(See Section 9.)

WHEREAS E. F. of a person of European extraction and holder of this certificate, has appeared before me and satisfied me that he is not likely to become a vagrant within the meaning of the European Vagrancy Act, 1874, THESE ARE TO CERTIFY that for the space of months from the date hereof and within the Province [or District] of nothing in Sections 4, 5, 6 and 7 of the same Act shall

be deemed to apply to him, unless he is found asking for alms, IN WHICH CASE this certificate shall be void.

(Signed) G. H.

Dated this day of 18
Magistrate of Police for the Town of
or Justice of the Peace for exercising
the powers of a Magistrate of the
class.

THE SECOND SCHEDULE.

(See Section 17.)

ARTICLES OF AGREEMENT made this day of 18 BETWEEN the Secretary of State for India in Council of the one part and C. D. of, &c., [the vagrant] of the other part: Each of the parties hereto (so far as relates to the acts on his own part to be performed) hereby agrees with the other of them as follows:—

1. The said C. D. shall proceed forthwith to the port of [the port of embarkation.]

2. The said C. D. shall there embark on board such ship and at such time as an officer appointed in this behalf by the local Government shall direct.

3. The said C. D. shall remain on board such ship until she shall have arrived at her port of destination.

4. The said C. D. shall not return to India until five years shall have elapsed from the date of such embarkation, unless specially permitted so to return by the said Secretary of State.

5. The said Secretary of State in Council shall defray the cost of the transit of the said C. D. to the said port, and of his lodging and subsistence during such transit and during his detention (if any) at the same port, and shall contract with the owner of the said ship, or his agent, for the passage of the said C. D. on board the said ship, and for his subsistence during the voyage for which he shall embark as aforesaid.

In witness whereof A. B. (by order of the Governor-General of India in Council [or the Governor of in Council, or the Lieutenant-Governor of , or the Chief Commissioner of], on behalf of the said Secretary of State in Council), and the said C. D. have hereunto set their hands the day and year first above written.

WHITLEY STOKES,

Secy. to the Government of India.

Re-published by order of the Right Honourable the Governor in Council.

D. F. CARMICHAEL,

Acting Chief Secretary.

THE REVENUE REGISTER.

No. 9.]

MADRAS:—TUESDAY, SEPTEMBER 15, 1874.

[VOL. VIII.]

A RYOT'S ESTATE—II.

IN the July issue of the *Revenue Register*, in which we endeavoured to combat the views expressed by their Lordships, Innes and Kernan, J. J., as to the character of a ryot's estate, appeared another judgment of the High Court (present, Holloway and Innes, J. J., R. A. 133 of 1872) in which his Lordship Mr. Justice Holloway uses exactly the same language, speaking of ryots as 'tenants from year to year,' and a puttah-holding as a 'letting from year to year.' Our own opinion as to the *proprietary* character of a ryot's estate has been repeated with an iteration, for which we need make no apology on account of the supreme importance of the subject*—*vide* 'The Land Revenue of India,' Vol. V; 'The Tenure of the Soil,' Vol. V; 'Tenants on Proprietary Estates and Government Ryotwari Tenants,' Vols. VI and VII; 'Fifty Per Cent of the Net,' Vol. V; and 'Zemindary Tenures in

* In the words of an eminent Hindoo, "a clear and precise understanding of the relative rights of the land-lord and tenant in the soil is of vital importance to the peace and harmony of its teeming millions." (The Hon'ble Degumber Mitter. Volume V, *Indian Economist*, page 319).

The chaotic condition of Madras law in this particular instance, and at that time has been clearly shown in our issue of the 6th December 1872, page 380. It has become a good deal more confused since that date, though perhaps more consistent in destroying the proprietary character of the ryot's estate.

Madras,' Vol. V. But as the High Court appear determined to adhere to their dictum, that a ryot holding under an ordinary ryotwari puttah is only a 'tenant from year to year,' it seems desirable to go back to first principles and try to ascertain what after all a ryotwari puttah is, and what kind of estate it confers on the puttahdar, if it actually confers any kind of *estate* at all, which indeed begins to seem doubtful.

What then is a puttah? It is simply a bill for money to be paid on account of the assessment fixed on a certain property; and this assessment represents a *fixed share* of the produce of the property in question, commuted into a money payment *fixed* for a certain period of time. Very little is *expressed* in a puttah. But by the common law of India, a puttah *implies* a great deal; and though not couched in the language of a formal conveyance, it does by immemorial custom *convey* waste land to the puttahdar in *absolute proprietary right*, subject only to the payment of an assessment which (as remarked at page 195) is *not*, and is not intended to be, a *rent-charge*, but merely a land-tax. We say that the right conferred by the agreement, whereof the puttah is the only *written evidence*, is an *absolute proprietary right*, because if the property does not vest in the puttahdar, it is difficult to see in whom it does vest. As long as the land is unoccupied—properly speaking

'not held on puttah,' or waste as it is technically called—it is undoubtedly at the absolute disposal of Government, as a general rule; but when once a puttah has been granted for any land, or, more strictly speaking, for the assessment to be paid on account of any land, Government has no power to interfere further with it in any way; whereas the puttahdar can transfer it by mortgage, gift, or sale, can exercise every possible form of ownership over it, without reference to the Government or to any one else; *provided only* that the transfer be duly registered. As Kaye observes (Hist. of Sepoy War, Vol. I, p. 156, 3rd Ed.), "to be charged with the payment of the revenue was to be acknowledged as the *proprietor* of the land." And it has always been acknowledged to be so by all the great masters of revenue administration. Hear what the greatest of all says:—

"There is no reason to suppose that private landed property ever, at any one time, existed upon the *same footing* over the greater part of India. From Pulicat to Ganjam, in the Ceded Districts, the Baramahl and Coimbatore, it seems to have been always, as now,* little known except as inam from the sovereign. Along the Malabar Coast and above the Western Ghats, from Sunda to Wynaad, it seems to have existed *from a remote period*, as now, *almost universally*, and in the Carnatic, Tanjore, and Madura." And again:—"It has been supposed by some that the Zemindars were the landlords or proprietors, and the ryots their under-tenants or labourers, and by others that the sovereign was the sole landlord, and the ryots *mere cultivating tenants*. But the ryot is the *real proprietor*, for whatever land does not belong to the sovereign *belongs to him*."

* 1824. It has been developed a good deal since then, as the records of our Courts in these Districts prove.

"The demand for public revenue, according as it is high or low, in different places and at different times, *affects his share*; but whether it leaves him only the bare profit of his stock, or a small surplus beyond it, as landlord's rent, he is still the *true proprietor*, and possesses all that is not claimed by the sovereign as revenue."

We have *italicised* a few of the strongest passages, and we might quote pages more to the same effect; but we have already drawn largely from the same Minute in compiling our article entitled 'Zemindary Tenures in Madras,' Vol. V, p. 135; and any one who takes any real interest in the status of the ryot, should carefully study the whole Minute (dated 31st Dec. 1824). It is extremely improbable that any single European will ever again be able to acquire the same experience of the country, and the same extensive knowledge of its common law, as the greatest of all the Madras Governors, Sir Thomas Munro; and if we must choose a leader to guide us through the labyrinth of Indian custom or common law, we would elect him in preference to the High Court, or any Governor of later days.

But it seems more waste of words to argue the question. Over and over again have Government been compelled to admit that they have no *right* to transfer any part of the ryot's property in his land to any one else; and even their right to confer upon any one else the limited power to collect the assessment has been often called in question. It is, to say the least of it, a harsh and impolitic proceeding, if it is not directly opposed to the whole spirit of a ryotwari settlement. One of the latest authoritative descriptions of the ryotwari tenure was given by the Revenue Board in their Proceedings, No. 125, dated 30th January 1873, in paragraph 2 of which they say, the "cultivator is, to all intents and

“ purposes, a *peasant-proprietor*, his right
 “ of property in his land being indefeasible,
 “ unless and until he fails to pay the
 “ *land-tax* due on it.” The puttah is not
necessarily renewed or altered every year;
 and the only ground for the extraordinary
 supposition that the land is ‘let from year
 to year’ is to be found in the fact that the
 bill for assessment has to be altered some-
 times on account of the ryot having either
 taken up or relinquished land, or because
 he is entitled to some remission of tax on
 account of failure of water, or is liable to
 some extra charge for irrigation. But many
 puttahs remain without alteration for years,
 and the puttahdars never even think of
 attending the annual settlement to get
 their puttahs renewed. What then is this
 ‘letting from year to year,’ which Mr.
 Justice Holloway speaks of? And what do
 the High Court mean when they call ryots
 ‘tenants from year to year?’ Is it possible
 that we have been the victims of some lurk-
 ing fallacy, and that ‘tenants from year to
 year’ may be the peasant proprietors of our
 fondest dreams? We would fain hope so:
 for if the ryot-proprietor has really no more
 rights in the soil than what we understand
 by a ‘tenant from year to year,’ we must
 abandon as an idle dream the principle
 sought to be inculcated by Sir Thomas
 Munro in the following words—“ Govern-
 “ ment will have it in its power to lay the
 “ foundation of landed property in the land
 “ of the ryots, where *alone*, in order to
 “ be successful, it must be laid (1824).”
 Indeed, the great object of the English
 administration in India—the development
 of private rights—would appear to have
 been lost. We *thought* indeed (with Doctor
 Hunter) that we had ‘reared up a perma-
 nent *proprietary body*,’ but behold at the
 touch of the High Court it has crumbled
 into a body of miserable ‘tenants holding
 from year to year.’

HER MAJESTY'S PRIVY COUNCIL.

[MADRAS CASE.]

Storing of water—Escape—Injury—Damages.

Where the Madras Railway Company claimed
 damages from the Zemindar of Carvetinagarum
 for injury caused to their line by the bursting
 of a tank on his land, and contended that, in
 storing water on his land the Zemindar render-
 ed himself liable in damages for any escape of
 water and consequent injury to another, and
 that he had been guilty of negligence—

HELD, that the storing of water in tanks in India
 is a public duty and had devolved on the
 Zemindar at the time of the settlement; that
 he had no power to do away with the tank;
 that his rights and liabilities were somewhat
 analogous to those of persons or corporations
 on whom statutory powers have been conferred
 and statutory duties imposed; and that as to
 the fact of negligence, the two concurrent judg-
 ments of the Courts in India, finding no neg-
 ligence, must stand.

Judgment of the Lords of the Judicial Com-
 mittee of the Privy Council on the appeal of
 the Madras Railway Company v. The Zemindar
 of Carvetinagarum, from the High Court of
 Judicature at Madras, delivered 3rd July 1874.

Present.

SIR JAMES W. COLVILLE.
 SIR BARNES PEACOCK.
 SIR ROBERT P. COLLIER.

SIR LAWRENCE PEEL.

THE Madras Railway Company claimed in
 this suit damages against the defendant, the
 Zemindar of Carvetinagarum, for injuries occa-
 sioned to their railway and works by the burst-
 ing of two tanks upon his land.

The defendant denied that the injuries com-
 plained of resulted from the bursting of the
 tanks; he asserted that if they did so arise, the
 bursting was caused by no act or negligence of
 his, but by *vis major*, or the act of God. He
 further pleaded in these terms:—

“ 4. The tanks referred to in the plaint have
 existed from time immemorial, and are requisite
 and absolutely necessary for the cultivation and
 enjoyment of the land, which cannot be otherwise
 irrigated; and the practice of storing water in
 such tanks in India, and particularly in this dis-
 trict and in the Zemindary of Carvetinagarum and
 the adjacent districts, is lawful, and is sanctioned
 by usage and custom. The said zemindary is a
 hilly district, and the ryots will be unable to carry

on their cultivation without such tanks, they being the chief source of irrigation, and the omission to store quantities of water in such tanks will be attended with consequences dreadful to the inhabitants of the country.

"7. The defendant could not have avoided collecting a quantity of water in the tanks during the monsoon, and he has not failed to use any reasonable care that may be expected from him. There were also several tanks and channels above his tank belonging to Government and other people, which also burst at the same time."

He also contended that the damage arose through want of proper care on the part of the defendants in the construction of their works, but this contention was abandoned. It was found by both Courts, and is not now disputed, that the works of the plaintiffs did suffer serious damage from the bursting of the tanks; these last two questions, therefore, need not be further referred to.

The issues, as far as they are material to this appeal, agreed to by the parties, were—

1. Whether the injuries complained of were the result of *vis major*, or the act of God, or other influences beyond the defendant's control.

2. Whether defendant is liable for any, and if so what, damages sustained by the plaintiffs.

The evidence given in the cause may be summarized as follows:—It was shown that the tanks of the defendant, which were ancient tanks, the date of their origin not appearing, were constructed in the usual manner; that the banks were properly attended to and kept in repair; that sluices and outlets for the water were provided of the kind usually employed both in private and Government tanks, and usually found sufficient, and which had proved sufficient to prevent any overflow or bursting of the tanks in question for twenty years; but that an improved description of sluice, of recent introduction, would be still more efficacious. That at or some days before the accident there had been an unusual and almost unprecedented fall of rain, described by the Deputy Inspector of the Railway as the heaviest he had ever seen during his residence of thirteen years in the locality, and by witnesses for the defendant as exceeding any fall of rain for twenty years; that this extraordinary flood, which caused the neighbouring river to overflow, and possibly brought down to the tanks, whose overflowing is complained of, the contents of other tanks at higher levels, proved more than the sluices could carry off, that the banks of the tanks were overflowed, and finally carried away.

Upon these facts the Acting Civil Judge of the Civil Court of Chittoor found for the defendant, holding that he was not liable in the absence of negligence, and that he had not been negligent.

This judgment was affirmed by the High Court on appeal.

The appellant now contends that the judgment of the High Court should be reversed on two grounds—

1st. That the defendant, by storing up water on his land, rendered himself liable in damages should it escape and do injury to other persons, even though he might not have been guilty of negligence.

2nd. That both the Indian Courts have applied an erroneous rule of law to the consideration of the question of negligence.

The case mainly relied upon in support of the first contention is *Fletcher v. Rylands*, Law Reports, 3, House of Lords, 330, which it becomes necessary to examine. In that case the plaintiffs, the owners of a mine, sued for damages, the defendants, owners of some adjacent land, who had constructed a reservoir on their land for the purpose of working a mill, from which reservoir water flowed through some disused mining works into the plaintiff's mine, and flooded it. It was held by the Exchequer Chamber and by the House of Lords that the plaintiffs were entitled to damages against the defendants.

The grounds of this judgment are stated very clearly and shortly by the then Lord Chancellor (Lord Cairns), and Lord Cranworth.

The Lord Chancellor says:—

"The principles on which this case must be determined appear to me to be extremely simple. The defendants, treating them as the owners and occupiers of the close on which the reservoir was constructed, might lawfully have used that close for any purpose for which it might, in the ordinary course of the enjoyment of the land, be used; and if, in what I may term the natural use of that land, there had been any accumulation of water, either on the surface or underground; and if, by the operation of the laws of nature, that accumulation of water had passed off into the close occupied by the plaintiff, the plaintiff could not have complained that that result had taken place. If he had desired to guard himself against it, it would have lain upon him to have done so, by leaving, or by interposing, some barrier between his close and the close of the defendants, in order to have prevented that operation of the laws of nature.

On the other hand, if the defendants, not stopping at the natural use of their close, had desired to use it for any purpose which I may term a non-natural use, for the purpose of introducing into the close that which, in its natural condition, was not in or upon it, for the purpose of introducing water either above or below ground in quantities, and in a manner not the result of any work or operation on or under the land; and if, in consequence of their doing so, or in consequence of any imperfection in the mode of their doing so, the water came to escape and pass off into the close of the plaintiff, then it appears to me that that which the defendants were doing, they were doing at their own peril; and if, in the course of their doing it, the evil arose . . . of the escape of the water and its passing away to the close of the plaintiff, and injuring the plaintiff,

then, for the consequence of that, in my opinion, the defendants would be liable."

Lord Cranworth thus states the principle of the decision :—

"If a person brings and accumulates on his land anything which, if it should escape, may cause damage to his neighbour, he does so at his peril. If it does escape and cause damage, he is responsible, however careful he may have been, and whatever precautions he may have taken to prevent the damage . . . and the doctrine is founded in good sense. For when one person in managing his own affairs, causes, however innocently, damage to another, it is obviously only just that he should be the party to suffer. He is bound *sic uti suo ut non lædat alienum*."

But the principle that a man, in exercising a right which belongs to him, may be liable, without negligence, for injury done to another person, has been held inapplicable to rights conferred by Statute.

This distinction was acted upon in *Vaughan v. The Taff Vale Railway Company*, 5, Hurlston and Norman, 679, where it was held by the Exchequer Chamber that a railway company were not responsible for damage from fire kindled by sparks from their locomotive engine, in the absence of negligence, because they were authorized to use locomotive engines by Statute. Cockburn, C. J., observes, "where the Legislature has sanctioned and authorized the use of a particular thing, and it is used for the purpose for which it was authorized, and every precaution has been observed to prevent injury, the sanction of the Legislature carries with it this consequence, that if damages result from the use of such a thing independently of negligence, the person using it is not responsible." This view is fortified by the consideration that the Legislature may be presumed not to have conferred special powers on persons or companies, without being satisfied that the exercise of them would be for the benefit of the public, as well as of the grantees. On the same principle it was decided that a waterworks company laying down pipes by a statutory power, were not liable for damages occasioned by water escaping in consequence of a fire-plug being forced out of its place by a frost of unusual severity. (*Blyth v. The Birmingham Waterworks Company*, 25, L. J., p. 212).

On the other hand, in *Jones v. The Festiniog Railway Company* (3, L. R., Q. B., 733) it was held that a railway company which had not express statutable power to use locomotive engines, was liable for damage done by fire proceeding from them, though negligence on the part of the company was negatived.

It has been argued on the part of the respondent that the case of *Fletcher v. Rylands* decided on the relations subsisting between adjoining landowners in this country, has no application whatever to India. Though that case would not be binding as an authority upon

a Court in India not administering English law, their lordships are far from holding that, decided as it was, on the application of the maxim, *sic utere tuo ut alienum non lædas*, expressing a principle recognized by the laws of all civilized countries, it does not afford a rule applicable to circumstances of the same character in India,—they are of opinion, however, that the circumstances of the present case are essentially distinguishable.

The tanks are ancient, and formed part of what may be termed a national system of irrigation, recognized by Hindoo and Mahomedan law, by Regulations of the East India Company, and by experience older than history, as essential to the welfare, and, indeed, to the existence of a large portion of the population of India. The public duty of maintaining existing tanks, and of constructing new ones in many places, was originally undertaken by the Government of India, and upon the settlement of the country has, in many instances, devolved on Zemindars, of whom the defendant is one. The Zemindars have no power to do away with these tanks, in the maintenance of which large numbers of people are interested, but are charged under Indian law, by reason of their tenure, with the duty of preserving and repairing them. From this statement of facts referred to in the judgment of the High Court, and vouched by history and common knowledge, it becomes apparent that the defendant in this case is in a very different position from the defendant in *Fletcher v. Rylands*.

In that case the defendants, for their own purposes, brought upon their land and there accumulated a large quantity of water by what is termed by Lord Cairns "a non-natural use" of their land. They were under no obligation, public or private, to make or to maintain the reservoir; no rights in it had been acquired by other persons, and they could have removed it if they had thought fit. The rights and liabilities of the defendant appear to their lordships much more analogous to those of persons or corporations on whom statutory powers have been conferred and statutory duties imposed. The duty of the defendant to maintain the tanks appears to their lordships a duty of very much the same description as that of the Railway Company to maintain their railway; and they are of opinion that, if the banks of his tank are washed away by an extraordinary flood without negligence on his part, he is no more liable for damage occasioned thereby than they would be for damage to a passenger on their line, or to the lands of an adjoining proprietor occasioned by the banks of the railway being washed away under similar circumstances. (See *Withers v. The North Kent Railway Company*, 27, L. J., Ex., p. 417).

The second ground on which the appellant relied was not so clearly stated; their lordships

understood it to be, in substance, that the Court below and the High Court estimated by a wrong standard the amount of care which the law requires of the defendant.

It should be observed that the question of negligence was little, if at all, argued in the High Court.

The Judge of the Court below quotes and applies to the case the following definition of negligence by Baron Alderson:—"Negligence consists in the omitting to do something that a reasonable man would do, or in the doing something that a reasonable man would not do, in either case unintentionally causing mischief to a third party;" and the High Court confirm this view of the law. Without adopting every expression of the Judge of the inferior Court, their lordships are unable to say that the case has been decided on an erroneous view of the law. On the question of fact whether or not negligence was proved by the evidence, they see no sufficient reason for departing from their ordinary rule of not disturbing the concurrent finding of two Courts.

For these reasons their lordships will humbly advise Her Majesty that the judgment of the Court below should be affirmed, and the appeal dismissed with costs.

CIRCULAR ORDERS OF THE BOARD OF REVENUE.

No. X.

STANDING No. 86-1.

PLANTING ON IRRIGATION WORKS—IN CONSULTATION WITH IRRIGATION DEPARTMENT.

Proceedings of the Board of Revenue, dated 3rd March 1874, No. 465.

WITH reference to Nos. 16 and 17 of the Rules for the preservation of jungles attached to Board's Standing Order, No. 86, Collectors will understand that* no

* G. O., dated 5th January 1874, No. 6.

planting operations in connection with irrigation works should be undertaken without the concurrence of the officers of the Irrigation Department.

No. XI.

STANDING No. 320-2.

PROGRESS REPORTS BY COLLECTORS' FOREST SUBORDINATES.

Proceedings of the Board of Revenue, dated 12th March 1874, No. 556.

IN future Collectors will be good enough to send the Monthly Progress Reports submitted to them by their Forest subordinates to the Inspector of Forests in original.

2. It would be well if the reports were written on "half margin" so that the Collector may be able to call the attention of the Inspector to any point on which he may desire to elicit that officer's views.

3. The Progress Reports should contain a section devoted to Railway Fuel Reserves and Plantation.

4. The Half-yearly Reports on Railway Fuel Reserves and Plantations should be forwarded to the Board through the Inspector of Forests.

No. XII.

STANDING No. 377-1.

COLLECTORS TO OBTAIN GOVERNMENT SANCTION BEFORE TAKING ANY PROCEEDINGS TO DEFEND THEMSELVES.

Proceedings of the Board of Revenue, dated 14th March 1874, No. 579.

COLLECTORS must obtain, through the Board, authority from Govern-

G. O., dated 12th February 1874, No. 74.

ment before having recourse to the Courts for the vindication of their public acts or their characters as public functionaries from defamatory attacks in newspapers. Their right to defend their private dealings is in no way affected by this order.

No. XIII.

STANDING No. 207-7.

PETTY WORKS TO BE EXECUTED BY REVENUE DEPARTMENT ALONE.

Proceedings of the Board of Revenue, dated 15th April 1874, No. 881.

PETTY Construction and Repair works should be carried out by the Revenue Department.

2. The execution of such works by the Department Public Works is opposed to orders, and Collectors should in no case place funds at the disposal of officers of that Department for such a purpose.

No. XIV.

STANDING No. 55-1.

OLD BUILDINGS, &c. NOT TO BE SOLD WITHOUT REFERENCE TO PUBLIC WORKS DEPARTMENT.

Proceedings of the Board of Revenue, dated 20th April 1874, No. 927.

OLD Fort walls* or other old buildings should not be offered for sale to

* G. O., dated 27th February 1874, No. 271.

private parties until a reference has been made to the Officers of the Public Works Department as to

whether the materials are likely to be wanted for public buildings or for Municipal improvements, in which case, they should not be sold.

No. XV.

STANDING No. 275-3.

ALTERATION OF FORM 7 IN STANDING ORDER 275.

*Proceedings of the Board of Revenue, dated
28th April 1874, No. 990.*

IN Form 7, Standing Order No. 275, for the heading of the last column of the Statement at the foot of the Form, substitute "amount payable by the purchaser on account of the kists for the current fusly falling due after the date of the sale."

No. XVI.

STANDING No. 195-3.

ADDITIONAL CLAUSE TO ABKARRY SALE ADVERTISEMENT.

*Proceedings of the Board of Revenue, dated
8th May 1874, No. 1,071.*

AFTER Clause X of the advertisement of an Abkarry sale insert—

"XI. In the case of the purchaser's death the agreement made by him will be binding on his heirs and assigns."

No. XVII.

STANDING No. 198-2.

ADDITIONS TO ABKARRY FORMS A AND B.

*Proceedings of the Board of Revenue, dated
8th May 1874, No. 1,073.*

Form A.—License to Abkarry Rents.—In the first clause after C. D. enter "his heirs and assigns."

Form B.—In the first clause after "myself" insert the words "my heirs and assigns."

No. XVIII.

STANDING No. 200-4.

SUB-COLLECTORS TO INSPECT SALT PANS IN THEIR DIVISIONS.

*Proceedings of the Board of Revenue, dated
21st May 1874, No. 1,195.*

CLAUSe 3, Standing Order No. XII of 1866, will be modified as follows:—

When pans are situated in the Sub-Division the Sub-Collector should similarly inspect them

periodically. He will see that the Board's orders are properly carried out, and his authority will extend to the issue of any instructions which may be required for the immediate correction of irregularities; but any suggestions and recommendations which are not within the scope of existing rules must be referred for the orders of the Collector, with whom the *supreme* control will remain. The Sub-Collector might greatly assist the Salt Deputy when the latter visits his Division.

No. XIX.

STANDING No. 407-11.

TRAVELLING EXPENSES OF HOSPITAL ASSISTANTS.

*Proceedings of the Board of Revenue, dated
22nd May 1874, No. 1,205.*

ADVERTING to the Resolution of the Government of India, dated 31st August 1872, No. 2,233, and in modification of the Board's Standing Order, No. 407-7, all officers concerned are informed that Hospital Assistants travelling on duty by road are entitled to a mileage of only 2 Annas per mile. When they travel by rail or steamer they should draw the actual fare.

2. The above rates apply only to special journeys performed on duty. If an Hospital Assistant simply accompanies the officer to whom he is attached on his usual circuit, he should draw batta at the usual rates.

No. XX.

STANDING No. 137-A.

RULES FOR THE LEVY OF WATER-RATES.

*Proceedings of the Board of Revenue, dated
1st June 1874, No. 1,313.*

THE following Rules for the levy of water-rate were approved in Government Order, 25th March 1874, No. 384:—

Draft Rules for the levy of water-rate in addition to land assessment on all lands not permanently classed as wet in all districts (except Ganjam, Tanjore, Madura, Tinnevely, Malabar, South Canara, and the Nilgiri Hills) when water is supplied from a Government source of irrigation.

I.—All dry lands temporarily cultivated with wet crops shall, in lieu of any system now in force, pay a fixed water-rate on the following scale of Standard Rates. Where water is raised by mechanical contrivances, the rates shall be reduced one-fourth, and in deltaic

tracts when water is drawn from drainage channels one-half.

First class tanks, river and spring channels.	Second class ditto.
--	---------------------------

Standard Rates.

RS. A. P. RS. A. P.

- a. Water-rate for a single wet crop raised on dry lands, per acre... 4 0 0 3 0 0
 - b. Second crop on the same land, per acre... 2 0 0 1 8 0
 - c. For Sugar-cane, Betel, Cocoanuts, Plantains, &c., requiring water longer than an ordinary wet crop, per acre ... 6 0 0 4 8 0
 - d. For dry crop watered, whether first or second crop, per acre ... 2 0 0 1 8 0
1. This rule does not apply to North Arcot or South Arcot, which have special rates uniform throughout the district, nor to the delta tracts of the Godavery and Kistna Districts.
 2. Rate *b.* does not apply to Cuddapah.
 3. In Kurnool, rate *d.*, to be reduced one-half.

II. When a portion (or portions) of a field is irrigated, and the field is not more than half an acre in extent, the charge shall be calculated on the actual extent of the field.

When the field is larger than half an acre, the extent irrigated must be carefully measured and the charge shall be made by the half acre subject to the limitation that more than the recorded extent of the field shall not be charged for.

For instance, if 1.5 acres are irrigated, the charge shall be the rate for three half-acres; if the extent irrigated is 1.55 acres, the charge shall be the rate for four half-acres, provided that, if the whole field be less than four half-acres, as for instance 1.75 acres, the charge shall be the rate for the recorded extent of the field.

III.—The Collector has power to impose prohibitory rates whenever water is taken without permission.

IV.—The above rules are applicable to all Government sources of irrigation, the supply in which is at all regular and to be depended on. Simple jungle streams which only receive a casual supply, may be utilized as hitherto without charge.

V.—No Government water is to be taken under these rules without the express sanction of the Head of the village or of the Department of Public Works Officer, when the works are in charge of that Department.

N.B.—These rules do not apply to second crop raised on *wet* land, for which the usual charge (generally half the single crop assessment) will be made.

No. XXI.

STANDING No. 80-2.

COMPLETION CERTIFICATES BY REVENUE OFFICERS
FOR WORKS EXECUTED BY OTHER AGENCY.

*Proceedings of the Board of Revenue, dated
2nd June 1874, No. 1,324.*

As the Government have ruled* that Completion Certificates for *G.O., Financial works connected with Department, dated clearing village sites and 5th November planting avenues when 1873, No. 1,615. executed by other agency may be granted by the officer in Revenue charge of the Sub-division of the Local Fund Circle without limit as to cost, the following instructions are issued for the guidance of all Revenue officers.

2. Bills for works of the above description must be accompanied by Completion Certificates in the form used by the Public Works Department, signed by a Tahsildar for all works costing Rupees 500 or less, and by an officer in charge of a Division or a Covenanted Civilian for all works costing more than Rupees 500.

No. XXII.

STANDING No. 198-4.

CONDITION IN FORM K.—SALE OF LIQUOR TO
NON-COMMISSIONED OFFICERS AND SOLDIERS.

*Proceedings of the Board of Revenue, dated
6th July 1874, No. 1,696.*

IN form K., Condition 3 is to be worded as follows:—

2. That the said C. D. shall not sell or give any liquor to any G. O., dated 16th Non-Commissioned Officer May 1874, No. 606. or Soldier without the permission in writing of the Commanding Officer, nor to any member of the Mofussil Police while on duty, nor to any European vagrant under escort without the consent of the escort.

No. XXIII.

STANDING No. 404-15.

ARRANGEMENTS WHEN UNCOVENANTED SERVANTS
ON LESS THAN 100 RUPEES TAKE LEAVE.*Proceedings of the Board of Revenue, dated
3rd August 1874, No. 2,062.*

In ordinary cases, when privilege leave is granted to Uncovenanted Officials, whose salary is less than Rupees 100, no acting appointment, even without pay, should be made. Other means must be found for the discharge of the Magisterial duties of the officers taking leave, should they have any such work.

2. If exceptional circumstances seem to render it necessary to appoint an acting substitute for the absentee, those circumstances should be stated.

No. XXIV.

STANDING No. 390-16.

RULES FOR GUIDANCE OF PRESIDENTS OF LOCAL
FUND BOARDS.*Proceedings of the Board of Revenue, dated
3rd August 1874, No. 2,065.*

G. O., F. D., UNDER instructions from dated 13th March Government, the following 1874, No. 431. Rules are circulated for G. O., F. D., the information and guidance of all the Presidents of Local Fund Boards. dated 25th June 1874, No. 1,068.

1. The following servants on the Local Fund Establishment will be pensioned under the Rules of the Pension Code :—

Overseers, Sub-Overseers, 1st, 2nd, and 3rd grades, Lascars.	} Petty Establishment (Road Fund).
Inspecting Schoolmasters. Masters of Local Fund Schools of the middle and higher classes. Vaccinators and Superintendents of Vaccination.	

Inspecting Schoolmasters. Masters of Local Fund Schools of the middle and higher classes. Vaccinators and Superintendents of Vaccination.

Clerks and Peons, Moochees and Attenders in Offices of Control at the Presidency and in the offices of Collectors and Local Fund Boards.

2. When service qualifying for pension has been performed partly under Government and partly under Local Fund Boards, or when officials have been paid partly from Imperial Funds and partly from the Local Fund, the pension will be divided in proportion to the

total pay received from Government and the Local Fund.

3. When a Local Fund servant is pensioned, the Local Fund pension shall be provided as follows :—

(a.) In the case of servants employed in particular Circles, the pension shall be provided by the Local Fund Board of the Circle in which he was employed.

(b.) In the case of servants employed in the Collectors' Offices, the pension shall be provided by the Local Fund Boards of the Collectorate in proportion to the assets of each Board.

(c.) In the case of servants employed in the Controlling Offices at the Presidency, the pension shall be provided by the several Local Fund Boards of the Presidency, in proportion to their assets, as determined by the Board of Revenue.

No. XXV.

STANDING No. 407-12.

FREE CONVEYANCE BY RAIL TO HOSPITAL
ASSISTANTS' FAMILIES.*Proceedings of the Board of Revenue, dated
10th August 1874, No. 2,171.*

HOSPITAL Assistants travelling on duty, in the Civil Department, by rail, are entitled to free conveyance for their wives and children with one servant.

No. XXVI.

STANDING No. 295 AND 335-4.

PRESIDENTS OF LOCAL FUND BOARDS TO GRANT
OR REFUSE COPIES OF LOCAL FUND PAPERS.*Proceedings of the Board of Revenue, dated
13th August 1874, No. 2,231.*

* THE grant or refusal of copies of Local Fund papers addressed to, or issued by, Circle Authorities is left to the discretion of the Presidents of Local Fund Boards.

2. The rules now in force in the Revenue Department and set forth in the Board's Standing Orders apply in the case of granting copies of other Local Fund papers and also as regards suits in which Local Fund Boards are concerned.

OFFICIAL PAPERS.

REVENUE SETTLEMENT AND COLLECTIONS—
MADRAS—FUSLY 1282.

Proceedings of the Madras Government, Revenue Department, 23rd June 1874.

Read the following Proceedings of the Board of Revenue, dated 25th March 1874, No. 669:—

PREFATORY.—The Board resolve to submit to Government their Report on the Revenue Settlement and Collections of the Madras Presidency for Fusly (Revenue year) 1282 (1st July 1872 to 30th June 1873), accompanied by the prescribed statements and a file of the printed Reports of the Collectors.

2. TERRITORIAL CHANGES.—There was no change in the number of districts or taluks, but in the number of Ryotwari villages brought under settlement there were some variations in the districts noted below:—

	Increase.	Decrease.
Ganjam ... ..	...	10
Vizagapatam ... ..	...	1
Godavery ... ..	...	15
Kistna	6	...
Cuddapah ... ..	...	13
Chingleput ... ..	...	21
North Arcot	1	...
South Arcot ... ..	...	3
Madura	2	...
Coimbatore	2	...
Salem ... ..	...	1

3. The variations are due (1) to the amalgamation and division of villages made for the sake of convenience; (2), to the settlement on the Ryotwari system of villages formerly rented out, and the renting out or taking under Government management of villages formerly settled on the Ryotwari system; (3), to an Inam village becoming Ryotwari in North Arcot in consequence of its having been bought in by Government when sold for arrears of revenue; and (4), to the desertion by its inhabitants of one village in Vizagapatam.

4. There were on the whole 33,973 more puttahs issued during Fusly 1282 than in the preceding year, as will be observed from the subjoined abstract:—

Total.	No.	Increase.
	2,409,087	33,973
Old Puttahs not altered.	No.	Increase.
	1,106,744	649,354
Old Puttahs modified by additional entries.	No.	Decrease.
	828,325	437,583
Number of fresh Puttahs.	No.	Decrease.
	474,018	177,798

	Fusly 1281	...
	" 1282	...

5. The increase in the total number of puttahs issued is spread over several districts and is due to ordinary causes, *i.e.*, new applications for lands and sub-divisions of joint holdings in the course of inheritance, or in consequence of sale or gift of portions of holdings. The number of fresh puttahs issued and of those modified by additional entries is, however, smaller, in consequence of the absence of the special causes which contributed to an increase in Fusly 1281. In the last named fusly a large number of fresh puttahs had to be issued, and a still larger number, modified in consequence of the introduction of the new survey areas and settlement rates in some districts, and of the Local Fund Act, IV of 1871, coming into force throughout the Presidency. In Fusly 1282 no change in the puttahs, under Act IV of 1871, was called for, and the new rates of assessment and survey areas were introduced in fewer taluks than in Fusly 1281.

6. SEASON.—A most unusual quantity of rain fell in Fusly 1282. The north-east monsoon began early and was very heavy at first. There were inundations in the Godavery and Kistna Districts. Many huts sunk into the mud in Madras, and it was possible for some days that the two large tanks, situated not far from the town and on a higher level, would burst and do great damage. In February, which is generally free from rain and is a harvest month, and one in which much salt is manufactured, there was a heavy downpour which did great damage to the crops, especially in North Arcot, South Arcot and Tanjore, and washed away large quantities of salt. Thus though the seasons were better than those of Fusly 1281, and were on the whole decidedly good, the harvests suffered in most places from unseasonable or too abundant rain. Malabar on the Western Coast was unfortunate. The south-west monsoon failed in the Tenkareil Taluk in Tinnevely. The north-east monsoon was scanty in Coimbatore.

Rain-fall.

DISTRICTS.	April to September 1872.	October 1872 to March 1873.	Total from April 1872 to March 1873.	Total from April 1871 to March 1872.
	Inches.	Inches.	Inches.	Inches.
1. Ganjam	43.52	16.02	59.54	29.79
2. Vizagapatam	35.35	16.79	52.14	25.52
3. Godavery	30.55	15.49	46.04	30.45
4. Kistna	21.21	15.11	36.32	25.71
5. Nellore	14.64	33.22	47.86	35.80
6. Cuddapah	20.23	20.77	41.00	24.37
7. Bellary	19.06	8.63	27.69	20.69
8. Kurnool	21.04	7.41	28.45	23.64
9. Madras	18.93	59.81	78.74	53.23
10. Chingleput	27.72	50.42	78.14	47.69
11. North Arcot	24.45	28.19	52.64	39.43
12. South Arcot	25.58	38.20	63.78	44.11
13. Tanjore	23.38	33.03	56.41	41.38
14. Trichinopoly	24.23	23.43	47.66	32.98
15. Madras	14.20	14.19	28.39	25.94
16. Tinnevely	7.88	19.94	27.82	21.02
17. Coimbatore	17.79	9.93	27.72	26.29
18. Nilgiris	30.50	27.65	58.15	55.65
19. Salem	25.39	13.04	38.43	28.46
20. South Canara	167.70	5.70	173.40	144.62
21. Malabar	103.31	12.33	115.64	125.12

7. SANITARY CONDITION.—Notwithstanding

	Fusly 1281.	Fusly 1282.
	Deaths.	Deaths.
Cholera	11,678	6,675
Small pox... ..	29,371	48,921
Fever	187,465	225,414
Bowel complaint.	36,821	34,657
Other diseases...	180,385	190,200
	445,720	505,867

the abundant rain the year was not a healthy one, and the amount of mortality during the

year was greater than in its predecessor. The District of Vizagapatam suffered the most, and the total number of deaths was double that of the preceding year. Cholera appeared in an epidemic form in Ganjam at the close of the Fusly 1281, and passed at the beginning of the year through Vizagapatam to Godavery. Prompt measures, however, were taken to check the spread of the disease, and medicines were freely distributed. The Districts of Cuddapah, Bellary, Chingleput, Coimbatore, and the Nilgiris enjoyed absolute immunity from this

disease, and the total number of deaths from cholera in Fusly 1282 was less than that in Fusly 1281 by about 5,000. Small-pox and fever raged all over the Presidency, and the deaths thus caused were respectively 19,550 and 37,949 more than in the preceding year. The new species of fever, dengue, which is more painful than deadly, prevailed in the Districts of Vizagapatam, Bellary, Kurnool, Chingleput, Tanjore, Trichinopoly, and part of Salem, and was particularly severe in Trichinopoly, where it is said to have entered every house. There was no want of pasturage, but cattle disease prevailed in almost every District. The excessive rains appear to have told upon the health of the cattle, and large numbers died from the effects of wet weather. On the whole, however, the mortality among the cattle appears to have been less than in the previous year.

DISTRICTS.	Population of villages from which returns were received.	CAUSE OF DEATH.						Ratio per mile of population.	REMARKS.
		Cholera.	Small-pox.	Fevers.	Bowel complaint.	Other diseases.	Total.		
Ganjam	905,036	589	467	13,090	679	3,124	17,919	19.83	
Vizagapatam	1,509,750	3,632	1,947	23,473	739	7,918	37,709	24.31	
Godavery	1,592,939	1,337	4,330	15,758	1,035	10,593	33,053	20.75	
Kistna	1,452,374	144	2,213	12,307	671	10,818	26,153	18.01	
Nellore	1,376,811	576	831	8,936	770	6,919	18,032	13.10	
Cuddapah	1,351,194	.....	865	12,466	668	3,861	17,860	13.22	
Bellary	1,668,006	.....	2,015	9,176	2,105	16,561	29,857	17.89	
Kurnool	959,640	129	962	12,652	701	2,755	17,202	17.92	
Madras ... ..	.....	.....	.....	.....	.....	.....	.....	.....
Chingleput	938,184	.....	1,712	5,705	1,845	8,847	18,109	19.29	
North Arcot	2,015,278	5	4,474	22,495	2,106	15,178	44,258	21.96	
South Arcot	1,755,817	108	2,606	11,526	1,538	9,255	25,033	14.25	
Tanjore	1,973,731	30	3,229	5,628	3,089	30,388	41,364	20.96	
Trichinopoly	1,200,408	54	1,528	8,912	1,309	8,651	20,534	17.10	
Madura	2,266,615	2	2,258	6,490	1,381	4,692	14,823	6.51	
Tinnevely	1,693,959	8	3,769	6,350	6,270	10,175	26,572	15.69	
Coimbatore	1,763,274	.....	3,243	10,016	2,510	6,543	22,312	12.65	
Nilgiris	49,501	.....	25	451	102	302	880	17.88	
Salem	1,966,995	1	7,882	23,243	1,951	12,817	45,394	23.08	
South Canara	938,362	29	537	4,062	2,602	6,374	13,604	14.49	
Malabar	2,261,250	31	4,528	12,678	3,503	14,429	35,169	15.55	
Total...	29,639,124	6,675	48,921	225,414	34,657	190,200	505,867	17.07	

8. PRICES OF AGRICULTURAL PRODUCE.—The prices of food grains in Fusly 1282, compared with those of Fusly 1281 have risen in some Districts and fallen in others, the result on the whole being a slight increase as will be seen from the following statement. In Ganjam and Vizagapatam the prices which were unusually

high in Fusly 1281, in consequence of famine in those Districts, have fallen to their normal condition owing to the favourable season of Fusly 1282, except in the case of horse-grain, the price of which rose throughout almost all the Presidency owing to the damage done to the crops by the heavy rains. The variations

in the other Districts are trifling, and are due chiefly to the character of their harvests in Fusly 1281 and Fusly 1282:—

GRAINS.	Average price per Madras Garce for ten years, Fuslies 1272 to 1281.	Fusly 1281.		Fusly 1282.		Increase or decrease in Fusly 1282 as compared with the average.		Per cent- age of Columns 2 and 5.		Increase or decrease in Fusly 1282 as compared with Fusly 1281.		Per cent- age of Columns 3 and 7.	
		3	4	5	6	7	8	RS.	RS.	RS.	RS.	RS.	RS.
1	2	RS.	RS.	RS.	RS.	RS.	RS.	RS.	RS.	RS.	RS.	RS.	RS.
First sort Paddy, per Garce...	187	144	149	—	38	—	—	—	20	5	—	3	—
Second do. ...	169	130	135	—	34	—	—	—	20	5	—	4	—
Cholum ...	219	159	168	—	51	—	—	—	23	9	—	6	—
Cumboo ...	199	151	150	—	49	—	—	—	25	1	—	1	—
Raggy ...	200	135	146	—	54	—	—	—	27	11	—	8	—
Horse-gram ...	246	196	221	—	25	—	—	—	10	25	—	12	—

9. The subjoined statement shows the effect of market prices with reference to the commutation rates in the Districts which have been recently settled. It is satisfactory to observe that the commutation rates are far below the

ruling prices, except in the case of varagoo in the District of Salem:—

GRAINS.	GODAVERY.		KISTNA.		SOUTH ARCOT.		TRICHINOPOLY.		KURNOOL.		SALEM.	
	Comm-utation price per Garce.	Market price during the Fusly.	Comm-utation price per Garce.	Market price during the Fusly.	Comm-utation price per Garce.	Market price during the Fusly.	Comm-utation price per Garce.	Market price during the Fusly.	Comm-utation price per Garce.	Market price during the Fusly.	Comm-utation price per Garce.	Market price during the Fusly.
Paddy, 1st and 2nd sort ...	RS. 72	RS. 117	RS. 90	RS. 165	RS. 72	RS. 119	RS. 67	RS. 133	RS. 110	RS. 185	RS. 100	RS. 135
Cholum ...	84	153	95	235	117	150	100	135	105	169	100	139
Cumboo ...	60	124	70	188	93	140	83	130	.....	164	100	127
Raggy ...	66	129	.....	170	93	130	83	124	.....	149	100	114
Varagoo ...	.....	.....	.....	.....	52	89	50	100	60	123	100	74

10. A statement showing the prices of second sort paddy in each of the Districts is given as usual.

DISTRICTS.	PRICE PER GARCE.								
	Average of five years from Fuslies 1266 to 1270.	Average of five years from Fuslies 1271 to 1275.	Average of five years from Fuslies 1276 to 1280.	Fusly 1281.	Fusly 1282.	Increase or decrease as compared with Column 2.	Increase or decrease as compared with Column 3.	Increase or decrease as compared with Column 4.	Increase or decrease as compared with Column 5.
1	2	3	4	5	6	7	8	9	10
	RS.	RS.	RS.	RS.	RS.	RS.	RS.	RS.	RS.
Ganjam ...	77	113	114	117	87	+ 10	— 26	— 27	— 30
Vizagapatam ...	93	138	126	161	133	+ 40	— 5	+ 7	— 28
Godavery ...	86	131	113	117	113	+ 27	— 18	.....	— 4
Kistna ...	107	165	153	147	162	+ 55	— 3	+ 9	+ 15
Nellore ...	118	166	167	108	124	+ 6	— 42	— 43	+ 16
Cuddapah ...	143	209	212	140	148	+ 6	— 61	— 64	+ 8
Bellary ...	125	198	191	141	137	+ 12	— 61	— 54	— 4
Kurnool ...	131	201	197	157	178	+ 47	— 23	— 19	+ 21
Madras ...	.....	.....	.....	110	116	+ 116	+ 116	+ 116	+ 6
Chingleput ...	128	165	185	107	115	— 3	— 50	— 70	+ 8
North Arcot ...	119	160	168	100	105	— 14	— 55	— 62	— 5
South Arcot ...	123	151	158	101	114	— 9	— 37	— 44	+ 13
Tanjore ...	119	151	156	123	125	+ 6	— 26	— 31	+ 2
Trichinopoly ...	138	173	181	115	125	— 13	— 48	— 56	+ 10
Madura ...	149	198	213	150	141	— 8	— 57	— 68	— 9
Tinnevely ...	154	205	204	165	179	+ 25	— 26	— 25	+ 14
Coimbatore ...	171	204	220	142	148	— 23	— 56	— 78	+ 6
Nilgiris ...	.....	.....	.....	.....	.....	.....	.....	.....	.....
Salem ...	145	168	178	112	126	— 19	— 42	— 52	+ 14
South Canara ...	134	161	158	132	147	— 13	— 14	— 11	+ 15
Malabar ...	158	193	192	155	168	+ 10	— 25	— 24	+ 13

(To be continued.)

**RULES FOR DISTRIBUTION OF WATER FROM
MADRAS IRRIGATION AND CANAL
COMPANY'S CANAL.**

*Proceedings of the Madras Government, Revenue
Department, 3rd July 1874.*

Read the following Proceedings of the Board of
Revenue, dated 6th May 1874, No. 1,050:—

Read again G. O., dated 2nd July 1873, No. 7,
Revenue Department, recorded in Board's
Proceedings, dated 31st July 1873, Miscel-
laneous No. 4,792.

Read also the following Proceedings of the
Madras Government, dated 17th March 1874,
No. 354, Revenue Department:—

ABSTRACT.—*Revised Rules for the distribution*

*of Water from Madras Irrigation and Canal
Company's Canal.*—Refers to Revenue Board,
for early report, papers regarding—.

Most of the subjects referred to the Board
for report in the first of these orders are settled
in the rules which are dealt with in the second,
but there is one point on which they think it
right to express their views fully.

In paragraph 6 of the Memorandum by the
Chief Engineer for Irrigation, recorded with
G. O., dated 18th June 1873, No. 1,595, Public
Works Department, he suggests that induce-
ments should be offered to the ryots holding
land commanded by the canal to convert that
land into paddy fields; that water should be
given for a limited time free of charge or at

a reduced rate both to land already irrigated and to land where irrigation is commenced; and that a few labourers might be brought from one of the neighbouring deltas or from irrigated parts of Kurnool and Cuddapah to show the people how to prepare their land for wet cultivation.

2. The water-rate at first was settled at

G. O., dated 1st June 1866, No. 1,348. in 1866 to Rupees 4, but it was raised to Rupees 6, and certain crops (such as sugar-cane) are charged

G. O., dated 5th November 1866, No. 2,989. Rupees 12, though it is admitted that water cannot be supplied to them

G. O., dated 14th June 1867, No. 1,343. (except under tanks) for double the time that it is supplied to paddy, or for a whole year.

3. The Board are decidedly of opinion that though these rates may not be too high for established cultivation, they are so high as to discourage ryots from trying the somewhat risky experiment of turning their cholum land into paddy land, &c., and that it would be advantageous not only to Government and the people, but also to the financial interests of the Company, if the Rupees 6 rate were reduced to Rupees 4, and the other rates in proportion. If this is done, the Board consider that there will be a fairer prospect of success like that of

the Godavery and Kistna canals. Of course, the reduction cannot take place unless the Company consent to it. No. VI of the

proposed rules makes alterations in the rates which are all in the right direction, but which seem to the Board to be insufficient.

4. The Board do not think that anything would be gained by sending farmers of wet land to instruct the ryots of the canal villages.

5. The rules will be noticed in order.

Rule I.—Agent to inform the Collectors before the 1st April, what villages and parts of villages he is prepared to irrigate, &c.—This rule is new, but good.

Rule II.—Water not to be taken without a written application made by the ryot through the canal officers to the Curnum.—The corresponding rules

hitherto in force provide that ryots shall tell the Collector what they want, and that the Collector shall

ask the Company for the water. Subsequently, on the ground that this system

was too slow and complicated, it was proposed by the Company's Agent that the ryot should tell the Curnum what he wanted, and that the Curnum should give him

a filled-in form of application to take to the canal officers. Government remarked "the cardinal objection to the scheme is that it tends to make the application for water a transaction between the Company and the ryot instead of between the Company and Government." * * *

"The objection above adverted to would alone be sufficient to condemn the proposal." This principle was strongly approved by the Secretary of State, but it is con-

G. O., dated 26th August 1869, No. 2427. travened by the proposed Rule II. It is true that the rule is worded so as to

make the application an application to the Curnum, but the ryot is to give it to the canal officer, and it will, therefore, be practically an application to the canal officer.

It must accordingly be considered whether the principle laid down so decidedly in 1869 should now be abandoned. The Board are of opinion that it should. From the first there have been complaints of the great remissness of Curnums in recording and transmitting applications for water. As the Chief Engineer for Irrigation remarks "the Curnums are clearly not to be relied upon to record applications or to facilitate the preliminaries which must precede the supply of water to the lands * * * consequently for the future it is proposed that all applications for water shall be made through the canal officers who will then know what water is wanted, and besides this there will be evidence of the number and date of applications forwarded to the Curnums for disposal." It seems to the Board that an unnecessary degree of importance has been attached to contact between the ryot and the Company at the time water is applied for. There must be contact of the same sort when the field channel is made, and the sluices are opened. All that is necessary is, that in the matter of payment for water supplied for irrigation, the Company shall have nothing whatever to do with the ryots.

Assuming that the term "canal officers" is sufficiently definite and that they are dispersed so that no ryot will have to take his application to any great distance, the Board approve of this rule.

Rule III.—Applications to be for whole fields or for not less than 2 acre portions of 4 acre fields.—It is necessary to define the word "fields" more clearly. From the first there has been a difference as to whether the "fields" recognized by the Company should be survey fields

or revenue fields. The G. O., dated 15th March 1866, No. 662. Board have more than once expressed an opinion that the fields should be

revenue fields as representing actual facts, and allowing greater freedom of action to individual ryots with regard to taking water.

It is possible that the word "fields" in the rule may mean revenue fields or, as it may otherwise be expressed, recorded sub-number of survey fields, but it should be altered so as to make this clear.

With regard to the extent of sub-division which may be allowed, the Board think the rule too stringent. No field of less than four acres may be sub-divided, and no sub-division of less than two acres is to be supplied with water. In other words, a ryot who happens to hold a one-acre field situated in a larger number is to be prohibited from trying the experiment of irrigation, and no ryot can turn his cholum land into paddy land without paying Rupees 12 in cash, besides incurring the risk of failure. In Government villages the water-

G. O., dated 25th March 1874, No. 384. recently sanctioned, make the limit half an acre, or the field if the field is less than half an acre.

Under the canal, the Board think that the sub-division of two-acre

G. O., dated 16th May 1873, No. 492. fields should be allowed, that the minimum extent of an irrigated sub-division should be one acre, and that it should be distinctly understood that if a field less than an acre in extent is irrigated, the charge shall be not on a whole acre but on the recorded extent of the field.

The rule provides that the sub-divisions shall be defined by stones, but the Board think this is unnecessary and undesirable as tending to produce the impression that if water is taken for a sub-division one year, it must be taken for the same extent in succeeding years.

Rule IV.—Penalty for taking water without applying for it.—Without

G. O., dated 15th March 1866, No. 662. reviewing the correspondence as to the penalty imposed by the rules now in force, the Board will

Board's Proceedings, dated 18th October 1869, No. 7,739. simply observe that this rule seems to be a great improvement. There must be a penalty to induce

ryots to apply for water before they take it, but the penalty is incurred so often, simply because ryots are in the habit of postponing their decision to take water till the last possible moment, that if the penalty is heavy it will discourage irrigation.

Rule V.—The Company guarantees water in the canal till the 31st December, and in their tanks till the end of the season. After the 31st December, water from the canal will be supplied monthly at Rupee 1 a month.—This rule seems to be unobjectionable.

Rule VI.—Water-rates.

Clause 1.—Crops requiring a continuous supply, Rupees 6; double crops, Rupees 12.

Clause 2.—Second crops of the same sort under tanks, Rupees 6 and Rupees 12.

NOTE.—A reduction allowed in the case of fields laid out in beds.

The Board have already said that they believe these rates to be high enough to discourage irrigation very effectually, but they can only be reduced by the Company. The note is scarcely clear enough. The expression "fields laid out in beds" suggests a different idea to the Board from the explanation given by Colonel Mullins, viz., fields "levelled and banded." It will be better if these words are used.

Clause 3.—Crops requiring frequent floodings, Rupees 4.—This is a decided improvement.

Clause 4.—Dry crops requiring occasional floodings, Rupees 2.—This also is a decided improvement.

Clause 5.—Crops requiring irrigation for more than six months to pay double rates, unless charged under Rule V for water supplied after the 31st December.—This seems to the Board not to be sufficiently clear. Under Clause 1 any of the crops styled double crops are to be liable to the double rate if they have a sufficient supply, and Government

G. O., 14th June 1867, No. 1,343. have decided that the period of supply is a matter of no importance.

This clause taken together with Clause 1, would seem to imply that the double rate is to be charged in every case if the crop is under a canal tank, or if it is not so situated and irrigation commences before the 31st December, and that the rate of Rupee 1 a month is to be charged if the crop is not supplied by a canal tank and irrigation commences after the 31st December. If so, it seems to the Board to be too stringent, and at all events it should be expressed more clearly.

Clause 6.—For a series of crops not including rice raised up to the 31st December, Rupees 6.—This is a great improvement.

Clause 7.—For a similar series raised after the 31st December, Rupee 1 a month.—This is redundant, for Rule V contains the same provision. Moreover, if it is necessary to repeat Rule V with regard to a series of crops, it is necessary also to repeat it with regard to single crops.

Clause 8.—Crops supplied at first from the canal and afterwards from other sources. If crops of Clauses 1 and 2, Rupees 1½ a month; if of Clause 3, Rupee 1; and if of Clause 4, Rupee 1.—This is a case which is discussed in

the papers recorded with G. O., dated 6th June 1873, No. 1,508. The only remark the Board have to make is, that the clause is intended to apply to crops supplied from the canal after other sources have failed, as well as from other sources after canal irrigation has ceased, and it should be altered accordingly.

Clause 9.—Water supplied to Government tanks, Rupee 1 per 1,000 cubic yards.—This is in accordance with G. O., dated 13th September 1873, No. 984, Revenue Department. In their Proceedings recorded with that order, the Board advised a condition that the total charge should not exceed the total revenue under the tank. This is not noticed in the order of Government, but in the Memorandum already mentioned. Messrs. Hope and Latham remark that the Company must be paid the price of the water they supply irrespective of any such condition, and that the Collector has the option of not applying for more water than can be paid for out of the revenue on land under the tank if he pleases. The Board concur.

Clause 10.—A reduction of one-third to be made for baling.—This is liberal.

Clause 11.—Irrigation from channels carrying leakage water to be charged the same as irrigation direct from the canal.—This is fair, if the supply is sufficient.

Clause 12.—When the canal necessarily increases the supply of tanks, the Company are to charge for irrigation in excess of the maximum cultivated within five years at the ayacut rates for land in the ayacut, and at canal rates for land outside the ayacut.—The Board presume that dry land irrigated and paying water-rate is to be taken into consideration in calculating the five years' average, and that, by the "ayacut rates," the Company is to charge, the difference between the consolidated wet assessment and the dry assessment of similar lands is meant. If so, the rule is fair.

Clause 13.—When surplus canal-water passes into a water-course from which Government land has been irrigated, and irrigation is increased, the excess shall be liable to the canal water-rates "if regularly and intentionally supplied by the Company."—Mr. Latham (though he has signed the rules) objects strongly to this last sentence, and the Board think it may be safely omitted. In a marginal note to the rule, he suggests that "or spring" should be added after water-course, but this seems to the Board to be inadmissible. If the influence of the canal on springs is taken into account, disputes will be endless. The rule is not very clear and might be recast with advantage.

Rule VII.—Remissions may be granted by the Settling officers if a ryot, after applying for water,

is unavoidably prevented from using it in whole or part.—This is fair, but ryots should be permitted to withdraw their applications for water subject to subsequent approval by the settling officers.

Rule VIII.—Remissions for failure of crops.—This is fair.

Rule IX.—Remissions for land unfit for wet cultivation.—This is fair.

Rule X.—Remission for exceptional causes.—This is fair.

Rule XI.—Claims to remission must be notified to the village or taluk authorities in time for the spot to be examined before the crop is removed, and the Curnum must inform the canal officer of the claim.—The claim should always be notified to the taluk authorities as well as to the village authorities.

Rule XII to XV.—Registration of applications by Curnums, despatch of registers to the taluk with a note of water taken without being applied for, despatch of abstracts from the Tahsildar to the Collector, register of measurements.—These rules seem to be unobjectionable.

Rule XVI.—Curnums' Registers to be open to inspection of the Company's officers and vice versa. Disputes to be reported to the Revenue Inspector.—Disputes should be reported to the Tahsildar so that the Revenue Inspector may be ordered to make an inquiry if necessary.

Rule XVII.—Register of Irrigation to be made after personal inspection by the Curnum and Reddy. Damage to be reported to the nearest Company's Overseer or Engineer and the Revenue Inspector of the range who should examine the spot together, &c.—The Board think the damage should be reported to the Tahsildar, and the Tahsildar should order the Revenue Inspector to make the inquiry. Revenue Inspectors are a most important link in the chain of Revenue Administration, and this link which is weak already will be made weaker still if Revenue Inspectors, instead of looking solely to the Tahsildar for instructions, are placed at the beck and call of Curnums and Canal Overseers.

Rule XVIII.—Curnum's annual water-rate account.—The Board think this account should enumerate the pieces of irrigated land said to be unfit for wet cultivation, which form the subject of Rule IX.

Rule XIX.—The Collector and the Manager of the Canal, or Deputies from each, to act together as Settling officers. Disputes may be referred to arbitrators who will choose an umpire.—This rule is very similar to the Rule VI now in force.

Rule XX.—Notice of the settlement to be given to the villagers.—This is good.

Rule XXI.—The Company to pay the Curnum 6 Pies in the Rupee of the adjusted gross demand.—The grant of remuneration is very desirable, but the Board agree with Mr. Latham that the settling officers should have discretion, and think they should be allowed either to reduce the amount or to give it in whole or part to any one who may have been a substitute for the Curnum during a part of the year or to the Reddy.

Rule XXII.—Part of the rules to be published in every village.—This is a good rule.

Order thereon, 3rd July 1874, No. 830.

His Excellency the Governor in Council proceeds to notice the rules submitted with the foregoing Proceedings in their order. The rules themselves, as finally sanctioned, are printed below, the alterations made in them by Government being distinguished by italics.

2. *Rule I.*—An addition is made to this rule which, by saving time and advertising the ryots, will enable them to make their arrangements early.

3. *Rule II.*—The Government are not prepared to abandon the principle that the Company sell to them and not to individual ryots. This was laid down by the Secretary of State, and should be strictly adhered to. The propriety of awarding a percentage on the revenue to the village officer having been conceded, there is sufficient reason to anticipate proper and interested attention being paid by the Curnums to this duty. Canal officers can know nothing of the occupation, boundaries, &c., of the land, and complications and misrepresentations will arise if their interposition is permitted. The rule will, therefore, provide that the application should be made, in the first instance, to the village Curnum, who will forward copies to the Canal officer and Tahsildar. This will not prevent Irrigation officers, under special circumstances, receiving and transmitting the application to the Curnum.

4. Form A. in which the application is to be recorded should be, as provided, a book with entries in triplicate. All the headings should be printed in diglott (Telugu and English). The Curnum should retain the counter-foil and transmit the second portion to the Canal officer and the third to the Tahsildar.

5. The Board will be good enough to revise the Form. In the specimen sent, the centre portion does not accurately correspond with the others, nor does it sufficiently show the kind of irrigation which is wanted. In Form B, which the Curnum has to keep under Rule XII, there is a column containing this information; but as this has to be filled up with reference to

Form A, some addition to the latter seems necessary.

6. *Rule III.*—The Government approve of the definition of fields proposed by the Board. It must be clearly understood that irrigation for an entire holding or registered number, however small, must be supplied at a ratable charge. Sub-divisions should be made by Revenue-officers. There does not seem any necessity to incur the expense of setting up stones to mark such sub-divisions, which will be tentative subject to extension.

7. *Rule IV.*—Is approved. It does not appear what arrangement is to be made for recording instances of breach of Rule III. The Board will report on this point.

8. *Rule V.*—Is unobjectionable.

9. *Rule VI.*—The Governor in Council fully agrees with the Board that the charges are generally too high. The Board's observations as to their reduction will be brought under the consideration of the Company.

10. The classification of products for purposes of taxation to (1) canal and (2) canal-tank revenue must have the deliberate sanction of Government, and the term "etcetera" must, therefore, be struck out of clauses 2, 3, and 4.

11. Sugar-cane, betel-leaves, cocoanuts, and plaintains, may be classed as proposed and tentatively charged accordingly, provided that fractions of acres are admitted.

12. The cowle-system is an improvement. The words "fields levelled and banded" will be substituted as proposed by the Board for "fields laid out in beds."

13. The five products mentioned in Clause 3 are unobjectionable, but none others can be added without the orders of Government.

14. Raggy may be added to cholam in Clause 4. The Board will report whether any other species may be entered. In regard to clauses (1), (3), and (4), it should be understood that in cases requiring the orders of Government the Collector and Manager may classify unclassified crops provisionally.

15. The addition suggested by the Board has been made in Clause 8.

16. Clause 9 is sanctioned as a tentative measure. The charge seems a heavy one, and may often prove prohibitive, because the loss by evaporation, leakage, &c., will fall on the State. Government would wish this clause re-considered by the different officers concerned and a further report made.

17. The Government accept Clauses 11 and 13 (entered in the revised rules as Clauses 11 and 12) on the understanding that they are

meant to apply to water *directly* supplied by the Company, i.e., conveyed by them to the land.

18. Clause 12 will now stand as Clause 13. It has been altered in accordance with the Board's remarks.

19. *Rule VII.*—The addition proposed by the Board is approved.

20. *Rule VIII.*—An addition has been made to this rule to provide for any shortcoming on the part of the Canal Administration. The last clause has also been struck out. If the application has been accepted and ratified by the action of the Canal Administration, the reciprocal right applies. It is not reasonable to introduce an arbitrary fine and sanction a direct breach of contract.

21. *Rule IX.*—The ryots are entitled to remission on *all* ground unfit for wet cultivation. The rule has been altered accordingly.

22. *Rule X.*—The last clause has been struck out. This is provided for under rules as to settling officers.

23. *Rules XI—XVII.*—The Government do not think it necessary to make the Tahsildar the *necessary* channel of communication with his local Inspectors. Such would doubtless cause delay. The Revenue Inspectors should examine *proprio motu* or on petition and report to the Tahsildar for orders with full statements of facts.

24. No form has been prescribed under Rule XV for the registry of detailed measurements of areas applied for. It is not clear why this is necessary, unless where portions of a field are irrigated under Rule III. The fields in Cud-dapah and Kurnool have all been surveyed and mapped, and in ordinary cases the extent of the field as given in the village register would be sufficient without any further measurement. It is desirable not to increase the Curnums' work unnecessarily.

25. The Register (Form C) referred to in Rule XVII does not contain the information required by the rule. It is headed "Register of measurements of portions of fields applied for either for irrigation or flooding under the canal," and the columns provide that a measurement should be made. The rule seems to require that a register should be kept of *all* land under irrigation. The Board will make such alteration as may appear necessary.

26. *Rule XVIII.*—The wording of the rule has been altered with reference to the Board's suggestion.

27. *Rule XIX.*—An addition has been made to this rule with reference to remarks on Rule X.

28. *Rule XXI.*—The wording of this rule does not preclude the exercise of discretion in the allotment of the amount or of a portion of it to such person as the Collector may determine on report of the settlement officers. The relations of the village officers to the Revenue authorities are not altered by these rules, and the Collector in case of proved neglect would substitute another man and make other needful arrangements on the strength of the remuneration to be assigned under this rule.

(True Extract.)

(Signed) C. G. MASTER,

Acting Secretary to Government.

Rules for the Distribution of Water from the Canal of the Madras Irrigation and Canal Company.

Rule I.—Before the 1st day of April in each year the Agent of the Company shall inform the Collectors of districts what portions of each village under the influence of the Canal he is prepared to irrigate during the ensuing irrigation season, and the Collectors shall have the above information duly posted up and publicly notified in each village concerned, through the Curnums, before the 1st day of May following: *the Canal Administration shall, at the same time, send a notice to the Curnum of each village in anticipation of the Collector's order.*

Rule II.—No water shall be taken from the canal for irrigation purposes without written application to the village Curnum, copies of which are to be forwarded by him to the Canal officer and to the Tahsildar.

Rule III.—Applications will be recorded for whole revenue fields or recorded sub-numbers of survey fields, however small they may be. Water will not be supplied for areas of less than one acre, except where the entire field is of less extent. Sub-divisions of fields when necessary will be made by the Revenue authorities. The charge will be on the recorded extent of the field. This rule will be subject to relaxation under circumstances beyond the control of the ryots.

Rule IV.—If water is taken without application, the cultivator will not be entitled to remission; and he will be required to pay a rate of 8 Annas an acre for the first offence, one Rupee an acre for the second offence in addition to the regular rate, and thereafter such an addition not exceeding double the rate as may be considered requisite by the settling officers.

Rule V.—The Company do not, except under their tanks, guarantee a supply of water beyond the 31st December; but, so far as water may be available in the Toomboodra or other streams feeding the canal, it will be supplied at the

rate of one Rupee a-month so long as the supply lasts until the annual closing of the canal which will be notified not later than the 1st December.

Rule VI.—The full charge for water on application shall be as follows :—

	Rate per Acre. RS.
1st Class. { Clause (1). Crops* requiring continuous supply, 1st crop ...	6
{ Clause (2). Do., 2nd crop (under tanks) ...	6

NOTE.—In future years, wet crop of the descriptions referred to in Clauses 1 and 2 when raised on fields *levelled and bunded* will be charged 3 Rupees an acre for the first year; Rupees 4 for the second year; Rupees 5 for the third year, and Rupees 6 for the fourth and subsequent years on the same fields. Wet crop irrigated in an open field without level beds and bunds will always be charged the full rate of 6 Rupees.

	Rate per Acre. RS.
Clause (3). Crops† requiring frequent floodings ...	4
Clause (4). Dry‡ crops requiring occasional floodings ...	2

NOTE.—“Crop” includes one or two or more crops sown together in intermediate rows at the same time.

Clause (5).—Double crops or those requiring irrigation for more than six months to pay double the rates specified for their class, unless supplied after 31st December, at the monthly rate.

Clause (6).—For a series of any crops, rice excepted, raised from the beginning of the season up to 31st December, Rupees 6.

Clause (7).—For a series of any crops, rice excepted, raised from 1st of January to the closing of the canal, per month, Rupees 1.

Clause (8).—If water is not supplied for the whole time the crop is on the ground, and the crop is matured from other sources, the charge on crops of the 1st class shall be at the rate of 1½ Rupees, and on crops of the 2nd class at the rate of 1 Rupee per month of canal irrigation. *This clause is intended to apply to crops supplied from the canal after other sources have failed as well as from other sources after the canal irrigation has ceased.*

- | | |
|-------------------------|------------------------|
| * 1. Rice. | 4. Cocoanuts (double.) |
| 2. Sugar-cane (double.) | 5. Plantains (do.) |
| 3. Betel-leaves (do.) | |

† Usually irrigated in beds.

- | | |
|--------------|--------------------|
| 1. Raggy. | 4. Sweet Potatoes. |
| 2. Onions. | 5. Tobacco. |
| 3. Chillies. | |

‡ 1. Cholum, 2. Raggy.

Clause (9).—For water supplied to a tank for storage for the purposes of irrigation, the rate shall be 1 Rupee for (1,000) one thousand cubic yards, the quantity being measured at the supplying sluice. Water shall be supplied as above on the requisition of the Collector.

Clause (10).—If water is baled, the charge shall be two-thirds of the full rate.

Clause (11).—Irrigation by canal leakage water conveyed to lands for purposes of cultivation within the limits commanded by the Company's distribution channels will be charged the same rates as are laid down for similar cultivation supplied directly from the Canal channels. Leakage into fields otherwise called sub-soil leakage will not be charged for.

Clause (12).—No charge shall be made for water passed as surplus into any water-course or natural channel, from the natural supply of which a garden wet crop has been in time past or usually been irrigated. The position and extent of lands so irrigated shall be ascertained and recorded; and areas in excess of this extent shall be liable to the canal water-rate if regularly and intentionally supplied by the Company.

Clause (13).—No charge shall be made on any land cultivated within the preceding five years under tanks, the supply or distribution of which is necessarily affected by the canal. Additional cultivation under Government works of irrigation due to the influx of canal water shall, if such extension be within the Company's scheme of irrigation, be charged for at the same rates as the other cultivation within the ayacut, the difference between the consolidated wet assessment and the dry assessment being credited to the Company. The ordinary canal rates will be charged beyond that limit.

Rule VII.—As a general rule, applicants will be bound to pay for all the land applied for. In special cases, where from sudden illness or loss of cattle or other causes beyond his control, the ryot is prevented from cultivating the land, he may, at the discretion of the settling officers, be allowed to withdraw his application. If cultivation has been commenced, he may be charged only for the water used. *Ryots should be permitted to withdraw their applications for water subject to subsequent approval by the settling officers.*

Rule VIII.—Remission of water-rate, either wholly or in part, will be granted for failure of crops in cases where that failure is caused by excess or deficiency of water due to defect of works and shortcomings on the part of the Canal Administration, and not to neglect on the part of the ryots.

Rule IX.—Remissions will be granted at the discretion of the settling officers for rocky

ground or land otherwise unfit for wet cultivation.

Rule X.—In exceptional cases, such as failure due to "Chondu," excessive rains or other cause beyond the Company's or ryot's controls a similar indulgence may be granted at the discretion of the settling officers.

Rule XI.—No claim to remission for any case of loss or damage of crop shall be admitted, unless written timely notice is given to the village or taluk authorities, so as to secure examination on the spot before the damaged crop is removed. The Curnum will, at the same time, give prompt intimation of the claim to the Company's Overseer or the Resident Engineer.

Rule XII.—All applications shall be recorded by the Curnum, if possible, on the same day they are received in a register.*

* Form B.

Rule XIII.—The register of applications shall be closed on the 28th of the month, and an extract thereof despatched to the taluk cutcherry, so as to reach it on the first of the following month. All cultivation without application should be shown at the foot of the register with the necessary remarks.

Rule XIV.—The Tahsildar or, in his absence, the Taluk Sheristadar shall prepare an abstract thereof, and despatch it so as to reach the Collector on or before the 5th, who will forward it on to the Company's Chief Engineer.

Rule XV.—The Curnum shall further keep a book showing the detailed measurement of the area applied for. The Revenue Inspector should examine, during his visit to the village, the accuracy of the measurements thus recorded and make the necessary corrections in red ink.

Rule XVI.—The register of applications kept by Curnums shall be open for inspection to officers of the Company, who may enter any remarks they think proper or make extracts thereof. Similarly, the Curnums and other Revenue officers may inspect registers kept by the Company's Overseers and Surveyors. Where there is a difference of opinion between the Curnums and the Company's Overseers, either in regard to damage or irrigation, the same shall be reported to the Revenue Inspector, in view to the necessary inquiry being held on the spot.

Rule XVII.—The Curnum and the Reddy shall go along the irrigation channels and inspect the cultivation as often as necessary and at least twice a month, and enter the extent in the register* kept for the purpose with any necessary remarks regarding use of water without previous application,

* Form C.

damage to crops, &c.; an immediate report of any damage shall be sent to the nearest Company's Overseer or Engineer and to the Revenue Inspector of the range. On receipt of this report, the Revenue Inspector shall at once visit the spot, together with the Company's Overseer if possible, and report the result of his inquiries to the Tahsildar. In more important cases, the Tahsildar or Sheristadar shall conduct the investigation in person.

Rule XVIII.—The Curnum shall, at the close of the season, prepare an account* showing the total land applied for, the portion irrigated, and any loss of produce from causes indicated in Rules VIII, IX, and X, and submit the same to the taluk cutcherry not later than the 1st of April in each year.

Rule XIX.—The settling officers shall consist of the Collector of the district and the Manager of the canal, or of an officer deputed by either to act for him. They shall decide all facts pertinent to claims made by ryots for remission of water-rate due to damage done by the canal water or works; or to appeals against the rates or measurements; and shall be competent to decide on the correct amount of water-rate chargeable and on the remission thereon, and also to arbitrate, if so desired by the claimant, on all cases of claims for damage made against the canal. It shall be open to either the Government or the Company, as represented by their local officers, to claim a reference of the question to arbitration, in which case the Collector and the Company's chief local officer shall each nominate one arbitrator, and the two nominees shall elect an umpire. The decision of the arbitrators shall be final. *Where settling officers are deputies, their proceedings are subject to the confirmation of the Collector and the Manager of the canal.*

Rule XX.—Notice of the time and place of settlement of each village shall be torn-tomed through the village at least ten days before the date fixed.

Rule XXI.—With a view to facilitate the registration of applications for water and the subsequent transaction of the Company's business 6 Pies in the Rupee of the adjusted gross demand will be paid by the Company to the village Curnum in remuneration for his trouble.

Rule XXII.—A table of water-rates and remissions in accordance with the above rules in English and Telugu and a printed copy of Rules 2 to 11 and 20 to 21 in Telugu shall be posted by the Company in every village and hamlet whose land is or will be affected by irrigation.

(Signed) C. G. MASTER,
Acting Secretary to Government.

MISCELLANEOUS.

TOBACCO—ITS HISTORY AND CULTIVATION.*

I.—HISTORY.

It has been supposed by some that the use of tobacco was familiar to the Asiatics long before the discovery of America. *There is no doubt that the plant was known, and its properties understood prior to that event.* Columbus and his followers, in 1492, saw smoking practised, for the first time, by the natives of Cuba, who rolled the tobacco, which grew wild in the heights of that Island, like a modern cigar; and they subsequently found that a similar practice existed on the Continent of America, but in different modes, some smoking pipes and others cigars. Some writers affirm that the plant was first discovered in the Mexican Province of Yucatan, in A.D. 1520, where it was called *petum*. Both the Mexicans and Peruvians practised chewing the leaf and snuff-taking. Tobacco was introduced into Europe in 1560 by Francisco Hernandez, a Spanish Physician, who is said to have brought the seeds to Spain. At the same time it was made known in Italy and France. Jean Nicot, Lord of Villemain, and Master of Requests of the French king's household, was sent to the Portuguese Court in 1559, as agent of Francis II. When Nicot returned to France, in 1561, he presented the Queen, Catherine-de-Medici, with some plants, which he grew from seed purchased at Lisbon from a Flemish merchant, who had obtained it from Florida. Hence it was called *Herbe-de-la-Reine* and *Herba-Mediciana*; and from Nicot it subsequently received the generic term *Nicotiana*. It seems to have been first introduced into England, about A.D. 1586, by a Captain Lane, who, with some others, had been left by Raleigh to colonize Virginia, but who, their provisions having failed, and the Indians proving hostile to them, returned home in nine months. During their residence in Virginia they learnt the use of tobacco from the Indians, and, on their return, taught their companions the method of using it. Raleigh and some young men of fashion speedily adopted the habit of smoking, and it gradually spread in England. The tobacco plant was introduced into India in A.D. 1605, during the reign of Akber.

Various attempts were made to put down the practice of smoking in Europe. Heavy imposts were levied on smokers, the use of tobacco was condemned in pamphlets, and bodily punishment was even resorted to, but all without success. Some Eastern potentates endeavoured to check the habit of snuffing by cutting off the noses of those who indulged in it. The specific name of tobacco is by some considered to be derived from the Indian word *tabac*, by which

the Caribbees recognized the pipe in which the leaves were smoked. In Tamil tobacco is called *Poga Yellei*;* or smoke leaf. A cigar is known as *churuttu*,† the word cigar being corrupted from the Spanish word *Oigarris*, signifying a small tubular roll used for smoking. Snuff is from the Dutch *Snuffen*, and the German *Schnuppen*, meaning to draw in, or inhale pulverised tobacco.‡ Tobacco, in Mexican, *Yelt*, is derived from a Haytian word.§

II.—BOTANICAL CHARACTER.

Tobacco belongs to the natural order *Atropaceæ*, which may be considered a section of *Solanaceæ*. According to the Linnean system, *Pentandria Monogynia*. Habitat: Central America; now cultivated in most parts of the world.

Generic Characters.—Calyx, urceolate, five-cleft; corolla much longer than the calyx, funnel-shaped, five-cleft; regular-stamens: five stigmata: emarginate; capsule, two-valved.

Special Characters.—Leaves, sessile, oblong, lanceolate, acuminate, the lower ones decurrent; throat of the corolla, inflate, ventricose; limb with acuminate segments; a viscid herb; root, branching, fibrous; stem, three to six feet high, erect, round, hairy, branching at the top; leaves, very large, pale-green, with glandular short hairs; bracts, linear, acute; flowers, panicked on the end of the stem and branches; calyx, hairy; corolla, rose-colored; ovary, ovate; style, long and slender; stigma, capitate, cloven; capsule, two-celled, opening crosswise at the top, loculicidal; seeds, numerous, small somewhat reniform, brown.

-III.—VARIETIES OF THE GENUS NICOTIANA.

This genus contains about forty species, most of which yield tobacco, and many are cultivated in gardens in Europe. The species of *Nicotiana* are most of them herbs, rarely under shrubs, and generally clothed with clammy hairs or down. The flowers are terminal, racemose or panicked, and of a white, green, or purplish color. The calyx is five-cleft, permanent; corolla, funnel, or salver-shaped; divisions, five-lobed and spreading; stamens, five-lobed, dehiscing lengthwise; stigma, clavate; capsule, two-celled, two-valved; valves, bipartite; seeds, minute, numerous.

1. *Nicotiana Tabacum*, *Linnaeus*.—Common Virginian, or sweet scented tobacco, is an herbaceous plant with acuminate, oblong, lanceolate, sessile leaves, lower ones decurrent; throat of corolla, inflated; segments of

* In Hindoostani and Persian, *Tambaku*; in Telugu, *Pogaku*.

† *Churuttu* in Tamil means a roll or curl, and the English word *Cheroot* is probably a corruption of it.

‡ Vide Cassell's *Botany*; Pereira's *Materia Medica*; Ainslie's *Materia Medica*; Boyle's *Reproductive Resources of India*.

§ Vide Prescott's *Conquest of Mexico*, Vol. I., Page 86

* By Surgeon-Major JOHN SHORTT, M.D., F.L.S., &c., Superintendent-General, Vaccination, Madras.

the limb, pointed. This is a native of several parts of America. The stem rises to the height of from four to six feet, and bears pink flowers. There are three chief varieties of this, known in America under the name of Orinoco, broad-leaved, and narrow-leaved. *Lindley* enumerates eight varieties of *Nicotiana Tabacum*. It is the species most commonly used in the manufacture of tobacco and cigars, and is also extensively cultivated in flower-gardens as an ornament. It is said by some authorities that this variety was introduced into Europe by Sir Francis Drake. Shag, Returns, and other cut kinds are prepared from it, and named after the localities in which they are grown.

2. *Nicotiana Macrophylla*.—Orinoco tobacco—is an herbaceous plant with oval acute leaves clasping the stem; throat of corolla, inflated; segments, short, pointed. This plant is a native of America and is taller than most of the varieties, the stem often rising to the height of seven feet. It is an ornamental annual, bearing broad leaves and pink flowers. The milder Havana cigars are said to be made from its leaves.

3. *Nicotiana Rustica*.—This is the species usually cultivated in Europe. It is known as English tobacco from being the first tobacco introduced into England for propagation. The much esteemed tobacco of Salonica and Latakia is manufactured from this plant, and is known in England as Turkish tobacco. This species produces white flowers, and seldom attains a greater height than three feet. The tobacco is of milder flavour, and is used as delicate cut tobacco, and cigars. The Latakia, Syrian, and Turkish tobacco are prepared from this variety. It is a native of America, and is found growing wild in other countries, and popularly recognized as English tobacco.

4. *Nicotiana Persica*—*Lindley*—is an herbaceous plant, clothed with clammy down, with the leaves of the root oblong, those of the stem acuminate and sessile; corolla, salver-shaped, with a long tube and rather unequal segments. This plant is a native of Persia, and produces the famous Shiraz tobacco.

5. *Nicotiana Fruticosa*, or, shrubby tobacco—an ornamental ever-green shrub bearing pink blossoms, it grows to the height of three feet, is a native of Persia and China, and is used for delicate kinds of smoking; it is used for cigars, but not medicinally.

6. *Nicotiana Undulata*, sweet-scented, or New Holland tobacco—a green house-perennial, native of New South Wales, with white flowers, and is two feet high.

7. *Nicotiana Paniculata*, or panicled tobacco—an annual plant bearing greenish-yellow flowers, a native of Peru, and rises to the height of three feet.

8. *Nicotiana Glutinosa*, or, clammy-leaved tobacco—also an annual plant, a native of Peru,

growing to the height of four feet, with bright scarlet flowers.

9. *Nicotiana Plumbaginifolia*.—Curl-leaved tobacco, an ornamental deciduous, annual, a native of America; with white blossoms, and rises to the height of two feet.

10. *Nicotiana Pusilla*, or, primrose-leaved tobacco—an ornamental deciduous, biennial, with white flowers, a native of Vera Cruz, rising to three feet.

11. *Nicotiana Quadrivalvis*, four-valved, or, Missouri tobacco—an ornamental annual, a native of North America, with white blossoms, rising only two feet high.

12. *Nicotiana Nana*, or, Rocky-mountain tobacco—a curious green house-annual, a native of North America, with white blossoms, rising only three inches high.

13. *Nicotiana Langsdorffii*, or, Langsdorffs tobacco—an ornamental annual with greenish-yellow flowers, a native of Chili, reaching five feet high.

14. *Nicotiana Cerinthoides*, or, honeywort tobacco—an ornamental annual, with greenish-yellow flowers; native country unknown.

15. *Nicotiana Repanda*, Havana tobacco—an annual, with white flowers, a native of Cuba, rising two feet high. A few species, natives of the Province of Buenos Ayres, may be particularized.

16. *N. Canariensis*—having white flowers.

17. *N. Glauca*—yellowish-green flowers.

18. *N. Longiflora*—white flowers.

19. *N. Viscosa*—pink flowers.*

IV.—CULTIVATION OF TOBACCO IN AMERICA.

A.—*Virginia*.—The success of the growth of this product depends in a great measure on soil, situation, climate, and season. New ground or virgin soil produces the finest description. Plant or nursery beds should be formed, if possible, in moist situations, and should consist of pure vegetable mould; the soil should be well opened out, the clods crushed and weeds exterminated. In some places the soil is burned by the firing of brush-wood, or refuse-grass.

The seeds, after the beds have been prepared as above, are scattered pretty thickly, and sometimes raked in. The sowing generally takes place in the month of February; and, in from three to four months, the plants are ready for transplantation, when they are removed to the field and placed on ridges at a distance of from eight to twelve inches apart; and, in some parts, where the soil is rich, they are placed from three to four feet apart. The plants require but little attention until they begin to throw out suckers, which must be carefully removed by the hand as they make their appearance; the weeds must be completely removed, and the plants must receive the same attention in this

* Balfour's Cyclopædia.

respect as a well-kept garden. The planter must be guided, as to the number of leaves to be left on each plant, by the strength and richness of the soil; from six to sixteen may be left, and the tops are pinched away. The plants are very liable to attack from caterpillars. Consequently, great attention will be necessary to free them from these pests. The leaves now continue to progress towards maturity, and they are known to be ripe by the crackling sound given by the lamina on being broken, as well as by its thickness. The plants are now ready for the sickle, and, as they are cut, they are placed flat upon stakes and exposed to the sun for a few days till they wither and change color, taking a yellowish or brownish hue, and they are at the same time protected from heavy rains and dew. From this they are removed into log-houses and suspended from the roof, when the process of curing goes on.*

B.—West Indies.—The Island of Cuba is celebrated all over the world for its tobacco culture, from which the much prized Havana cigars are manufactured. The natural richness of its soil and tropical climate make the Island favourable to the growth of tobacco, and the cultivation is carried on in very much the same manner as in other localities, the plants requiring the greatest care during their infancy. The particular kind cultivated on the Island is the *Nicotiana Repanda*; the plants when transplanted are placed in rows three feet apart, but this is not done until they have attained a height of from six to eight inches. When they have established themselves in their new localities, the lower leaves are removed and the plant stopped at the height of three or four feet, from eight to twelve leaves being left on each stem. This is done in order to strengthen the plant, and add to the vigor and luxuriance of the leaves, from which it is intended to manufacture tobacco. As the plant progresses in height and vigor, the vigilance of the planter is continually required to remove the side-shoots and suckers, and to destroy the caterpillars which infest the plant from its infancy. As the leaves approach maturity, they become somewhat paler in color, rich in aroma, and feel rough when handled; at this time they are out down; this is generally done in the morning after sunrise, and the weather during the tobacco harvest should be clear and fine. The stalks are allowed to be on the field till after mid-day to liberate their natural or acquired moisture, when they are stored; and, on the following day, the leaves are plucked off the stalks and strung up in rows to dry.

C.—Philippine Islands.—The soil is prepared and marked out into convenient sized beds, which are generally from five to six feet wide, and from eight to twelve feet long. The soil

is well opened up, the clods are crushed, and the seed is sprinkled over with ashes to prevent crowding, which is likely to happen from their minuteness. The seedlings show themselves in from five to seven days, when they require to be carefully weeded to prevent the plants from being choked.

The seeds should not be sown during the rains, as from their small size they are sure to suffer from heavy showers; and consequently, the nursery beds are frequently protected on such occasions by a low shed, which keeps off the rain, and allows of ventilation until from three to five leaves are developed. In two months from the period of sowing the seedlings will be ready for transplanting, but this will depend very much on the reproductive powers of the soil. Sometimes the period of transplanting may be deferred without injury to a fortnight or three weeks later, when the plants will have become stronger and will have attained from eight to ten inches in height. Much attention is necessary to prepare the soil in the cultivation of tobacco. In Cagazan, where the best tobacco is produced, there are highlands and lowlands. Should the season be fair, excellent tobacco is produced on the highlands when transplanted; but the lowlands are generally preferred in consequence of the greater amount of moisture in the soil by percolation from the adjacent rivers, and this is sufficient to carry the plants forward in the absence of rain; but should the moisture and rain fail, the plant is dwarfed. The land having been well cleansed and prepared, furrows about three feet apart and from ten to twelve inches deep are made. The plants are placed in them at a distance of three feet from each other, so that each plant occupies a square yard. When first planted out, the roots should be protected from the sun till they have struck root afresh in the soil by being well covered with earth. From the moment of transplantation, the plants are liable to be infested with worms, and unless carefully searched for and destroyed, they will devour many of the leaves. Constant attention is necessary during the whole period of growth. At times the destruction effected by worms is so rapid that plants placed in the furrows on one day disappear on the next; thus the field may have to be planted over several times. When the plant has once rooted itself in its new situation, there is no fear of its destruction; but the leaves will now be attacked, so that the plantation will require daily attention, night and morning, during the period the plant is arriving at maturity, to save it from the ravages of the caterpillars. In fact, the planter's whole time will be occupied in weeding and freeing the plant from worms, and removing suckers as soon as they appear, to prevent the plant being weakened. Two months after transplantation the plants are

* Captain Basil Hall's Travels,

topped, leaving on each from twelve to fourteen leaves, except in those intended for seed; for the seed from subsequent crops is not so good as that procured from the first. Four months after transplantation, the growth of the plant will be complete; and advantage must be taken of the seasons, so that the plants may have the benefit of rain during the first two months only, as rain is injurious to the tobacco as it approaches maturity; and very often, under these circumstances, the leaves become diseased and covered with white spots, which render the crop worthless. Whereas a shower of rain or two, when the leaves are thoroughly ripe, proves of advantage; for, although the leaves become discolored by yellow spots, these are considered indications that the tobacco was gathered in due time, and that it bears the stamp of being well seasoned. The whole crop is not gathered in at the same time, as the leaves do not ripen together; but the lower and older leaves ripen first, and the others follow successively. The ripening of the leaves is ascertained by the stalks beginning to assume a yellow color, when they should be gathered. After the tobacco has been gathered, the stem should be cut to within eighteen inches of the soil. From the "stool" left two, three, or more shoots will push out. As many of these as may be thought desirable should be left, and the others removed; those left form the second crop.*

(To be continued.)

CATTLE—INDIGENOUS BREEDS OF THE MADRAS PRESIDENCY.†

THE Indian cattle forms one of Bovinæ, genus Bovidæ, order Ruminantia. The genus Bovidæ is divisible into three groups: 1, Bistontine or Bison; 2, the Taurine or Oxen; and 3, the Bubaline or Buffalo. Of these three groups, the Taurine, known as the Ox or Bull, is the most important to man, as, during its life, it contributes most materially to his wants, and, when dead, every part is converted to his use. The Indian Ox is termed scientifically *Bos Indicus*, or Indian Zebu, popularly the Brahmin Bull, and comprises several varieties, all of which are remarkable for having long pendulous ears and a fatty elevated hump on their withers, and are generally held sacred by the Hindoos, who consider it a sin to kill them, and pollution to partake of their flesh. The bull is worshipped under the name of *Nundee*, having formed the vehicle of their deity *Siva* during his peregrinations. While the Hindoo will starve to death alongside of a fat bull or cow, rather than consume its flesh, yet he feels no hesitation in freely partaking of the milk. Cattle in India comprise, in most districts, the wealth of the agriculturist or

ryot; and they perform most of his agricultural operations, either with the plough or in draught, being used in carts or as pack bullocks, exporting the produce from one district to another; and they furnish him with animal food in the shape of milk and ghee; and the hide is made into leather, thongs, and water-buckets. The Indian ox is still met with wild in some parts of Southern India. The late Dr. Jerdon, in his work on the "Mammals of India," mentions his having shot one near Nellore in this Presidency in 1843. In 1848 I saw a fine cow that was shot by Lord David Kennedy, then Lieutenant in the 1st Light Cavalry, within thirty miles of Arcot. The flesh of this animal was rich and extremely well flavoured; and I have no doubt but there are animals of this description still to be met with wild.

The Indian cattle, like that of Europe, vary in most districts either as to size, form, symmetry, or as to the growth and length of their horns, according to the varying local peculiarities of climate, soil, and fodder, natural or artificial, all of which tend to influence the form, size, and character of the animal. The native, who lives on a meal of rice, and perhaps a few herbs to season the same with, expects that his cattle will, in like manner, pick up what they can in the way of pasture about the village or its adjacent lands, so that he never troubles himself to grow green food, or prepare dry fodder for his cattle: the same plant, that supplies him with grain, feeds also his cattle with the straw. In most towns and villages the cattle are driven out at all seasons to roam abroad, but they more frequently lick the dust and return home with the same empty stomach that they started with, to receive perhaps a few handfuls of straw, or rubbish just sufficient to sustain life. Perhaps it would be better that I should first describe the different breeds of cattle met with in Southern India, and point out the distinguishing features of each breed, and the circumstances to which each breed is best suited, and the use to which they can be turned, and then review the whole subject with suggestions as to their improvement for practical application.

Mysore.—The cattle of this district have justly been celebrated as draught cattle for their spirit and powers of endurance: they are active and quick in their paces, somewhat restive and fiery in disposition. The height of the Mysore bullock varies from 12 to 15 hands, with a good compact carcase; the horns are straight and long, extending from 2 to 3 feet in length, tapering and sharp-pointed, inclining upwards, slightly convex on the out and concave in the inner side, approaching each other at the tip. Countenance, sprightly; eyes, large, black, prominent, expressive, and full of fire; face, long and moderately narrow; muzzle, eye, and hoof, black; head, erect and well-carried on a moderately-sized and well-formed neck, rising

* Colonel Joseph-de-Hetzeta.

† Prize Essay by Surgeon-Major JOHN SHORTT, M.D., F.L.S., &c., Superintendent-General, Vaccination, Madras—written for the late Sydapet Exhibition.

over the withers into a well-shaped and fair-sized hump, giving grace and beauty to the animal; back, straight; tail, flat and well-set; chest, wide and deep; carcase, well-rounded and shaped with a small dewlap. The legs are clean, straight, well apart, and standing out, forming a good base for the support of the body; skin moderately fine and covered with short soft hair. The prevailing color consists of varying shades of grey, from dark to a very light grey or white. They are generally highspirited animals, and require kind and conciliating treatment to break them in. The nose-string is invariably used not only for bulls and bullocks, but for cows also—an unusual proceeding not generally met with in any other district as far as I am aware. The well known gun-carriage or karkhana bullocks come from this breed, which has been judiciously crossed with the Nellore, though latterly this crossing has, I think, been carried to some excess from the specimens I have seen.

The cows milk fairly, yielding from 3 to 6 quarts in the 24 hours. The value of a good cow ranges from 35 to 70 Rupees, whilst that of a first-class pair of bullocks from 200 to 250 and even 300 Rupees. Ordinary working bullocks fetch from 70 to 150 Rupees the pair.

Nellore.—The breed of cattle from this district has also been celebrated, not so much as draught bullocks, but as milch cows, for which purpose they have been greatly esteemed and fetch large prices. A good specimen of the Nellore breed is a huge animal, standing from 15 to over 17 hands in height, with a noble but heavy look: their powers of draught and spirit of endurance are great: they are generally docile and slow in their movements, and, from their noble form and short horns, they are readily recognized. The horns are short and stumpy, barely 3 to 6 inches in length, and never, unless in exceptional instances, exceed 12 inches, inclined outwards, tapering to a blunt point. Countenance, dull; eyes, large, prominent, and heavy-looking; face, short, with greater breadth of forehead and muzzle; large lop ears; eye, hoof, and tail-tuft black; head erect and well-carried on a short, stout neck rising over the withers into a huge hump, frequently inclining to one side; back, short and straight; tail, high and well-set; chest, wide and deep; carcase, compact and solid-looking, with a large heavy dewlap; legs, clean, but massive, straight and fairly apart to support the carcase; skin, fine and covered with soft short hair. The prevailing color is white, and from their docility, the nose-string is seldom used. They are noble and handsome-looking animals, but there is a tendency in the breed to grow tall and leggy with a spare light carcase. Their powers of draught are great, and, when well-bred, draw much heavier loads than most other breeds, from 1,500 to 2,000

pounds on a fair road. They are chiefly used for draught in carts and to draw the plough, their height and size being against their use as pack bullocks generally. The cows are excellent milkers, some of them have been known to yield 18 quarts of good rich milk in the 24 hours⁽¹⁾ (a quart being equivalent to 24 ounces): they rear a calf at the same time.

The price of a first-class cow is about 200 Rupees, and even as much as 300 Rupees have been paid for a prize cow; that of a pair of bullocks 150 to 350 Rupees; the ordinary bullocks fetch from 100 to 150 Rupees the pair. Bulls have been imported into other districts at 300 and 350 Rupees each.

The influence of this breed extends north as far as the Kistna District. In Vizagapatam, Godavery, Ganjam, and Orissa a very inferior breed of cattle exists. They are small, under 12 hands in height, but with a fair long compact carcase, small short horns never exceeding 6 to 12 inches in length. They are used to draw the plough and cart, but are chiefly prized as pack animals, their small size and sturdy forms being well adapted for the hilly districts in those parts. About the Kimeddy hills in Ganjam, there is a more diminutive breed with short and frequently crumpled horns. There is not much to be said in their favour, except that the cows milk fairly. About the Godavery District I have seen some handsome and well-formed cows; and to judge from their make, though small, with an erect carriage and a fine small head, a large outstanding udder and prominent well-developed teats, they must be good milkers, though they are not above 12 hands in height: the best milkers are said to yield from 4 to 6 quarts in the 24 hours. The price ranges from 25 to 35 Rupees for a cow; a pair of working bullocks, either for pack or plough, fetch from 40 to 60 Rupees. The ordinary load of a pack bullock in these parts is 160 lbs. From Godavery to Ganjam, the prevailing color is a light chesnut, shading off into a deep brown or red; and in Orissa, it is white. The average price of cows in these parts, Vizagapatam and Ganjam, range from 10 to 35 Rupees, and a pair of working bullocks from 25 to 40 Rupees.

Cuddapah and Bellary import their cattle chiefly from Nellore: these animals, from their size and powers of endurance, are well adapted to draw the cart or plough through the soft black cotton soil of the two districts first named. The trotting bullocks, used to draw carriages, generally come from Mysore, and fetch from 150 to 200 Rupees the pair, whilst the working bullocks which come from Nellore, fetch from 80 to 240 Rupees the pair. The prices of cows average from 35 to 70 Rupees according to their milking powers; and they are principally small animals bred in the district. The bullocks bred in the district are a small, hardy breed, chiefly used to draw the plough or carry the pack.

The best cattle of the kind come from the Penakonda Taluk of the Bellary District, more especially from Pamdurti and the surrounding villages where the country is hilly, and cattle bred to some extent. A good pair of working bullocks fetch from 40 to 70 Rupees.

North Arcot.—In this district cattle are bred in several parts, chiefly in the Poonganor Zemindary, this estate being a continuation of the Mysore table-land. Cattle are also bred in the hill villages in the vicinity of Vellore, Kunneambady, Goodiattum, and Kungoonthy. They are of a small breed, rarely exceeding 12 to 14 hands in height, and having much of the appearance of the Mysore breed, with long straight horns about 2 feet in length. They are of all colors—white, brown, black, &c. Among these are found some bullocks of fair size, which are good trotters. They are chiefly used for agricultural purposes, to draw the cart or plough, and to act as pack animals to export and import produce. Their value ranges from 35 to 70 Rupees the pair. Fair milch cows are also met with, their value being dependent on their milking qualities, ranging from 20 to 40 Rupees in price.

South Arcot.—In this district the chief cattle-breeding places are the villages of Kookiyoor, Maumanthoor, Seroopakum, and Sunkera-pooram. They are the usual small breed of cattle with horns ranging from 10 to 18 inches in length. Many are good compact animals, and serve the purposes of all the ordinary agricultural operations of the district. There is nothing peculiar to distinguish them from cattle of other districts in which animals of a similar size are reared. The average value of a working pair of bullocks is from 20 to 35 Rupees. Cows milk scantily, and fetch from 15 to 35 Rupees each.

Tanjore.—In this district the cattle are of a small diminutive breed; and among these is a small hornless variety, which have a peculiar look from the complete absence of horns. Most of them have a small osseous protuberance in the centre of the forehead, between the parts where the horns are usually found. Though small, they are sturdy and draw the cart and plough very fairly, for which purpose they are used. A pair will fetch from 35 to 50 Rupees.

Trichinopoly.—In this district the cattle are chiefly bred in the villages of Valeecoondapooram, Rungenkedy, and Thounoor, &c. They are of a small, useful breed, with horns varying from 10 to 15 inches in length. There is not much to be said in their favour, although some good specimens are met with among them. They fetch the usual price of from 35 to 50 Rupees the pair, and they are chiefly used for agricultural operations within the district.

Salem.—This is a good cattle-breeding district: the cattle are of small size, and resemble the Mysore breed somewhat, the prevailing

color being white. They are very spirited and active, and trot well when used to draw a carriage. They are chiefly bred in the villages of Altoor, Namkul, Dharumpoori, Kistnagherry, Oosoor, Oothenkara, Tripatore, and Vaniembady, the hills in their vicinity affording good pasturage. The prevailing color is white. They have moderately-sized horns, ranging from 15 to 18 inches in length. The face is short, the eyes are expressive and prominent. They are of rather spare make of carcase, and are quick and active in their movements. They are much appreciated for their spirit and quickness, and make good trotting bullocks to draw light carriages. Some are sturdy and do well all the agricultural work required of them in the district. A pair of working bullocks fetch from 35 to 70 Rupees. Trotting bullocks cost 120 Rupees. The cows are considered fair milkers, and yield from 3 to 4 quarts in the 24 hours, and their value ranges from 20 to 35 Rupees when in full milk. This breed of bullocks is exported from Salem and Palghat to Madura and Tinnevely; and the undersized district-bred animals, though small, perform such agricultural work as may be required of them in these districts.

Coimbatore.—In this district there is a small sturdy breed of cattle well set in the carcase, an indication of great strength. They are generally much tamer than most cattle, and do the agricultural work of their district very well. The cows are considered good milkers, and are preferred by some people owing to their small and sturdy form. The bullocks fetch from 25 to 50 Rupees the pair, and the cows, when in full milk, 25 to 35 Rupees each. There is quite a different breed in the hilly parts of this district, and a large trade is carried on in them with the people of the plains. These animals are of a light make, and show something of the Mysore breed; they have long horns, with somewhat of a pendant dewlap, and slight, but graceful forms. The cattle are bred successfully, but would no doubt be materially improved by the introduction of fresh blood, as they have good forms, size, and powers of endurance; but, at present they look lanky without much stamina in bone or muscle. The prevailing color is white.

Malabar is not a cattle-producing district. The chief working cattle are imported from either Mysore or Salem; but there is a small, wretched breed indigenous to the district, and these extend from Malabar to South Canara. The prevailing color is black. The general form and shape is something like that of the English breed, except for their diminutive size. They have fine, thin necks, with a small well-shaped head and prominent sparkling eye. With these exceptions, there is not much to be said of them. The damp, moist nature of the districts in which they are found, and the want of proper food, pasture, and shelter do not admit of their being improved. Rather than

do this, the natives prefer to import their working cattle from some of the neighbouring districts. A pair of working bullocks, imported into the district, chiefly from Mysore, fetch from 80 to 180 Rupees the pair; those bred in the district, fit for the plough, from 35 to 50 Rupees the pair; and milch cows, from over the ghauts, 40 to 50 Rupees each; and those bred in the district, 20 to 40 Rupees each. Some fine cattle, of a small breed, but resembling greatly that of Mysore, are met with in the Palghat Division of Malabar. They are nice, graceful, active animals, and make good light draught as well as trotting bullocks, for which they are much esteemed in some of the adjoining districts.

From the foregoing review of the cattle in this Presidency, it will be seen that there are but two breeds worthy of special notice, and these belong to Mysore and Nellore. The best animals, either for drawing loads, trotting in carriages, or for agricultural purposes, come from these districts. I have known them to trot in a carriage from 8 to 10 miles an hour. Some very fine animals with great strength, powers of endurance, and quickness, have been secured among our karkhana cattle, which are sometimes recognized as Hoonsoor bullocks. Unfortunately, the want of pasture lands in most districts of this Presidency, and the indifference of the ryots, or cattle breeders, who fail to raise special fodder or pasture for their cattle, present obstacles to their improvement. Even the straw, raised with their grains, is frequently used to thatch their huts and is put to other uses, instead of being stored for the use of their cattle during seasons of scarcity.

From the Hindoo worshipping the cow, he never thinks of fattening it for purposes of food; he does not understand high-farming, or stall-feeding of stock, to improve both his stock and his land, the cattle-droppings being generally converted into fuel instead of manure. To the generality of natives a calf is a calf, no matter what sort of animal it may be. Should it prove to be a male, it will suffice for his purposes, eventually, to scratch the soil with his crooked plough; or if a cow-calf, it will breed, and perhaps not only give him a calf, but a little milk also; and why, he argues, should he trouble himself about improving his cattle which will cost money, when he has none to lay out, while, by following the practice of his forefathers, things take their natural course. The native never thinks of castrating his male calves at a tender age. In Europe the calves, as a rule, are castrated between the first and third month of their birth. At one time they were not operated on till they were two years old; but the former rule is now in general practice. The advantage of the operation at this early age consists in the improvement of the animal in form, size, propensity to fatten, and

in the quality of the meat; while it renders him docile and generally useful as a working bullock. The native, on the contrary, waits till the animal attains five years of age, that is, sheds six of his milk-teeth, which are replaced by permanent ones. As soon as this process takes place, the bull is castrated without any cutting operation being resorted to. The animal is thrown and fastened down, the scrotum drawn out, and freely handled for a few minutes to relax it, when two stout wooden rollers about 15 inches in length and $1\frac{1}{2}$ inch in diameter, are tied tightly at one end and passed between the scrotum containing the gland and the body of the animal. Then, one gland is pushed up towards the abdomen, and the other retained in the scrotal sac, the rollers being drawn and the free end tied together. A man sits in front and presses the gland tightly against the rollers till the gland bursts within its sac, in the bag of the scrotum. He then seizes the broken gland between the fingers of both his hands, with which he kneads it well till it becomes broken up into a soft pulp. He then draws down the other gland between the rollers and crushes it also in the like manner, then smears a little cow-dung over the scrotum. At the same time, with a sharp bamboo or wooden needle, carrying a cord quarter of an inch thick, he perforates the cartilage between the nostrils, and fixes the nose-string, and, having secured it over and at the back of the horns, puts a cord around the animal's neck as a collar, to which the nose-string is loosely tied: the animal is then let loose. No further treatment is ever necessary; and I certainly think well of this mode of operation, for the animal is well and may be put to work in a week. There is no cutting wound, with subsequent inflammation and discharge, as is the case after a cutting operation. The scrotum swells, and in ten days or a fortnight the whole gland has become absorbed, and the empty sac remains. This operation is never attended with danger, nor does it appear to me to be a painful one contrasted with the cutting operation. So pleased was I with it, that I have since operated on a pony after this plan with success. The animals further retain their masculine form to a certain extent; but should any portion of the gland not be thoroughly broken up, they may occasionally prove troublesome among cows.⁽²⁾

The evil of this late castration consists in the young bulls being allowed to roam at large with the herd of cows; and, as the native breeder or village herdsman never thinks of segregating his cows from the bulls, even if there be a good bull in the herd, he is often over-reached by these young animals from their lightness of carcass and activity in serving the cows. At Madras, on the esplanade, this may be witnessed any day among the cattle grazing there; and the herdsman himself, as soon as he finds that a cow is in season, generally ties her

down and encourages the younger animals, frequently some good-for-nothing two-year old bull to serve her, in preference to a larger and better animal, which is slow in his movements, since all the herdsman cares about is to ensure the impregnation of the cow. Several gentlemen about Madras have good English and other bulls, whose services may be obtained for the asking; but the native, although aware of the fact, will not avail himself of the advantage, as it will entail labour in taking the cow thither and bringing her back. The natives, as a rule, give their best attention to the bull calves for conversion into bullocks. The rule is that most ryots and other agriculturists or cattle breeders select or purchase a bull calf to make a pet of. After a while, they find a match for it, and the pair have frequently fancy rope halters put round their heads and are led about. Whilst the owners pursue their own occupations, the calves are allowed to brouse in the vicinity, and before they are taken home, either the ryot himself, or some member of his family, goes into the neighbouring fields and cuts a good bundle of green grass for their use at night, while the ryot's wife secures all the washings of rice, conjee-water, refuse-rice or raggy pottage after the family have finished their meal, which are put together and given to the calves. When the ryot cannot go out himself, either his wife, or some other member of the family, leads the calves out daily to feed among the bunds that divide the rice fields, along which good, fresh *Hurialli* grass is to be found, tender and green; and, whilst the animals are feeding, the person in charge secures a bundle of green grass for them; besides which, they receive handfuls of cholum or raggy stalks or straw now and then, and this is always the best the ryots can lay hands on. As the calves grow older they get a little cotton seed, oil cake, rice bran, &c. The animals are tended with the greatest care and affection till they are about five years old,⁽⁵⁾ when they are castrated and trained to the yoke, that is if they turn out good promising animals; but should they simply prove to be working cattle, at three years they are put to the plough and kept at light work; but, as a rule, they are never castrated before they are five years old. If intended for breeding bulls, they begin to use them when two or two and-a-half years of age. In my opinion they are right in concentrating all their attention on the bulls to the neglect of the cows, although I see, from the Adanki Cattle Shows, the Committee bewail, time after time, the systematic neglect of the cows by the ryots or breeders.⁽³⁾ Cows need no special care: of course, it is well that they should get sufficient food to keep them in fair condition, and that is all that is required, as their influence only tends to one calf yearly, whereas

the bulls, when properly tended to and cared for, can and do serve from 80 to 100 cows during the year. Thus their influence on the progeny is great and extensive, much more so than that of cows; and, I think, all judicious breeders should give the greatest attention, not only to the selection, but also to the food and care of bulls if they wish to improve their stock as a whole.

To show how indifferent the natives are as regards the improvement of their cattle I have only to relate that a few years ago, being greatly interested in the improvement of the cattle in the district in which I was then located, I selected a good medium sized English bull, just the stamp of an animal for the improvement of the small and indifferent breed of cattle so frequently met with in most districts of this Presidency, and notified that it was at the disposal of any one who chose to take advantage of the animal to serve their cows. Not a single individual came forward, and, as I had to leave the country shortly after, the Village Magistrate offered to take charge of the animal and do all that was required in the way of food and care. But to my regret, on my return to the station sixteen months after, I found the bull was dead, and soon learned that, after a short time, the Village Magistrate got tired of feeding this animal; and the villagers refusing to assist, he was let loose to pick up what he could with the country cattle, and before three months elapsed he died. Sometime after I purchased a second bull, a cross between the English and Nellore breed, and let him loose among the village herd, feeding him myself; but the natives took no interest in him, and I more than once caught the cowherd forcing his cows to receive the wretched two year old animals of the country, and his only excuse was that my bull was too slow to suit country cows. On leaving the district I removed him.

Attention is never given by the ryot to improve his cattle, so as to bring them into early maturity; so that it takes a heifer from four to five years to produce her first calf; whereas, if the necessary attention be given them in the way of proper food and care, there is no doubt whatever many would produce at two years, which would prove a great saving in the matter of keep.⁽⁴⁾ As, however, in the majority of instances, it costs a native little or nothing to keep his cattle, early maturity never troubles him; but it would do so, if he had to pay for the keep of his heifer for four or five years to get a calf from her. I have had a calf from a heifer at the age of 27 months, and I have known of other instances. This, instead of forming the exception, would prove the rule if more attention were given to the subject. It is much to be regretted that from the latest reports, the Collector of the District of Nellore

is against cattle shows, and that too in the face of an improvement said to be evidenced in the young cattle exhibited, such improvement being no doubt the result of the shows themselves. It is pleasing, however, to observe that both the Board of Revenue and the Government direct their continuance. In my own humble opinion, I believe that these cattle shows have done immense good, if not in a direct, at least in an indirect way; and they should not only be continued, but extended to other districts.

It is not possible that any one individual can improve the breed of animals in this country. It requires a number of lives in succession, who are fully and pecuniarily interested in the question to do the needful; and altogether it is uphill work. Perhaps some one individual takes an interest in stock-breeding, and gets together a number of improved animals; but if he dies or leaves the country, and the cattle are sold and dispersed, nothing more is heard of them, the little improvement made is lost by subsequent bad feeding and want of care. I do not believe that, under existing circumstances, the cattle of this country can be improved at all, as most districts are generally deficient in pasturage for the greater part of the year; and, as a rule, no attention is paid to breeding or selection of stock, and no food is grown specially for the use of cattle. What is required, before the introduction of superior breeds or varieties, is that abundance of good food, both as green food and fodder, should be grown expressly for the purpose, and provision be made for good suitable pasturage in every district. Then, it will soon be found, that, in a few years, even the present undersized miserable breed of cattle will develop into superior animals. Not only should especial food be grown, but cattle should be carefully housed, well-fed, and be tended to. The bulls should be isolated from the cows till their services are required, and all males not required for breeding should, as a rule, be castrated before they are six months old. Under such a system I have not the least doubt but what India will produce stock that may stand comparison with those of England or any other country.

To recapitulate, the best and most useful breeds of cattle come from 1, Mysore; 2, Nellore; 3, Salem; and 4, Poonganoor; and the best milch cows are drawn from Nellore, Mysore, Coimbatore, Poonganoor, and Salem.

Age.—The age of cattle is generally estimated by the growth of the permanent teeth, and also by the several rings that form around the horns. Each year is supposed to add a ring or circular mark to the horns. Of the two systems, that of judging by the teeth is by far the most reliable. Even with this system, however, it is difficult to tell the age of a calf before it sheds two of

its central milk teeth; and again there is a difficulty when the animal completes teething at the fifth year. At six years of age the eight permanent teeth are completed and attain a uniform level, and the mouth is said to be completed, literally what the native calls "*Vayes codoogurathu*," when the animal is said to have attained its prime. After this the animal is supposed to decline or approach age. After the sixth year it is all guess work, and cannot be decidedly affirmed. Those, however, who have had much experience with cattle, can assign their age with tolerable correctness. Careful examination of the teeth, of the extent to which they have been worn down (this, to a great extent, may prove fallacious as the wearing down of the teeth will depend, in a great measure, on the kind of food the animal has been receiving), the markings of the horn, and the general appearance of the animal itself will help to decide the question. At birth there are two central milk teeth or incisors in the lower jaw, the upper continuing naked. During the second week four teeth make their appearance; at the third week six, and when the mouth has been completed eight milk teeth are established. After this the age can only be guessed by the wearing down of these milk teeth, when the calf is six months old; the two central incisors first begin to give indications of wear and tear at 12 months; four teeth at 15 months; six teeth at 18 months; and the whole of the eight teeth are well worn down at two years, when two of the central incisors are shed and replaced by permanent teeth, which are readily distinguishable, from their size and form, from the milk teeth. At three years four teeth, at four six teeth, and at five years the whole eight permanent teeth make their appearance and complete the mouth, while at six years of age these begin to wear down. The natives of India are thoroughly conversant with this method, and many of them are shrewd, clever, judges as to the age of cattle. Cattle, both bulls, bullocks, and cows, attain to a good age when taken care of; and the fecundating powers of bulls and cows are retained till over twenty years of age. I think I have said enough for the purposes of this essay. I had intended briefly noticing the diseases cattle are liable to, and for years I have had it in contemplation to produce a manual on cattle diseases; but books of the kind do not sell, as few people in India take an interest in domestic animals. The Government hold out no kind of encouragement, the taking of six or a dozen copies by Government, and perhaps double that number by the public, will not cover the expense of publishing, much less to remunerate the author for his labour.

It may not be generally known that grand cattle fairs or markets are held in most districts during the chief Hindoo festivals or Jathras, annually, such as Teroanamally in

South Arcot, Strirungum in Trichinopoly, Madura in Madura, Tripethy in North Arcot, and Humphy in the Bellary District. In like manner most other districts hold cattle fairs, when young and promising stock are taken from great distances for sale, with the double object of celebrating the festival and disposing of their cattle; this is well understood by the natives generally, and no notices or advertisements are ever resorted to make these places known. I have visited some of these fairs.

Notes thereon by the Examiner:—

(1.) Very rare indeed; the average yield is only from 5 to 8 quarts of milk daily.

(2.) The operation described is seldom performed in a perfect manner; the European plan of castration is, by far, the best.

(3.) The writer is decidedly wrong here; if the cows are to be left to the careless management he so deplures in other parts of his report, it will be impossible that they can produce good bull calves.

(4.) This is rather inconsistent after expressing the opinion noticed in the preceding paragraph.

(5.) This statement is rather at variance with the statements made in the earlier part of the report regarding the treatment that cattle receive at the hands of the ryot.

We believe that Dr. Shortt has answers to these remarks, but we were not supplied with them before going to press.—ED. R. R.

THE FAMINE: THE POSITION.

THERE is every reason at last to hope that the almost superhuman exertions of the Government to meet the calamity which has threatened the country for so many months, will be crowned with success; and that for the first time in modern history, we shall have seen a terrible famine fairly surmounted by the humanity and resolution of Government. For the first time, has the calamity been met in the right spirit; and the Government, to its lasting honour, has addressed itself to the task of saving the people alive, with the same nerve and determination which we expect it to display upon the outbreak of a great war. Lord Northbrook may well be envied the distinction of having inaugurated the great revolution in administration which this event marks. And after all—Is an apology needed for an expenditure of five or ten millions of money to save as many poor creatures from the dreadful death of famine, when we are all prepared to justify and applaud to the echo, the resolution to spend ten, nay fifty, times that amount if need be to preserve in our hands the rule we have assumed in the country? If any justification of that rule were wanted, we have it to-day—dashed only with the fleck of the unworthy resolve of Parliament against the will of the

people, to bear no part in the money cost of the unprecedented administrative feat being accomplished under its eyes. For it is clear that the people of England would compassionately have borne part of the burden had India asked England that it should be so; and never until now did we contemplate the relations between the two countries with a satisfaction so little tinged with alloy. The complaint that Government may possibly be found at last to have done a little more than was absolutely necessary is not worth a reply. The gentlemen who put it forward show in every line of their writings how incapable they are of estimating the real position of affairs, and how happy it is for the credit of the empire that they are relegated to the position of mere critics of what has been done.

There is every reason to hope that the country is escaping, though as it were by the skin of its teeth, a calamity that would have been perfectly appalling but for the interference of the State. Look at the following facts.

In spite, then, of the rubbee harvest in Behar, the successful boro rice crop in Bengal, the unprecedented harvest in Burmah, the vast, unhopd-for supplies of grain from the Punjab, the enormous stores of food in the hands of Government hanging over the market, and money for months together at 14 to 18 per cent, the prices that are prevailing in half the districts of Bengal at this moment are as follows:—

	May 1866.	May 1874.
Dinagapore...	16 Seers.	8½ Seers.
Maldah.....	11½ "	9½ "
Rajshahye....	12 "	11½ "
Rungpore	17¼ "	7¾ "
Bograh.....	17 "	10½ "
Pubnah	11¼ "	12 "
Julpigoree....	17 " 7	@8 "
Patna.....	13½ "	13 "
Gya.....	10 "	9 "
Shahabad.....	10½ "	11 "
Tirhoot.....	9 "	8 "
Sarun.....	11½ "	12 "
Chumparun...	9 "	10 "
Monghyr.....	10 "	10¼ "
Bhaugulpore..	11¼ "	10 "
Purneah	12 "	11 "
Sonthal Per-		
gunnahs.....	10½ "	11 "
Average...	12½ "	10 "

Let the man conceive who can what the condition of these districts would have been, and what the prospect before them, but for the enormous stores held over the markets by the State. We know what happened in the same districts in 1866, although prices in May of that year were fully two seers lower than they now are, in presence of the most powerfully

depressing causes. As it is, we are entering upon the famine months with rice at 10 seers only for the Rupee, in spite of the superhuman efforts we have made to lower the price by placing vast Governmental stocks upon the spot, to keep the markets down. With this single fact patent to the world, the men are idiots who carp at the Governmental action as excessive. The simple and sufficient reply is—the quotation of rice is at 10 seers the Rupee over half Bengal, in spite of all that has been done.

Turning to the Eastern Districts and Lower Bengal, the quotations at the two periods compare as follows:—

	May 1866.	May 1874.
Dacca.....	11 Seers.	13 Seers.
Furreedpore... 10	"	12½ "
Backergunge... 13	"	14½ "
Mymensing... 14	"	15½ "

It is in these quotations that we see the happy effects of the Government importations. They have lessened the strain upon the exporting districts of Lower Bengal. We are not yet out of the wood, however: very far, we fear, from it. The course of prices in Calcutta in 1866 was as follows:—

Common Rice.

	RS.	A.	P.	
April.....	3	10	0	(Highest.)
May.....	3	12	0	"
June.....	4	0	0	"
July.....	5	0	0	"
August.....	5	4	0	"
September.....	5	8	0	"
October.....	5	8	0	"
November.....	5	12	0	"
December.....	4	4	0	"
Do. 31st...	3	4	0	"

We have repeatedly tried to familiarize our readers with the fact that it is from *now* onwards that the famine will begin to be really felt. Lower Bengal has reaped the last harvest of the agricultural year with its *boro* crop, and is now entering upon six months of constant depletion of its food-stores without any possible accession to them. What may we reasonably expect to find the course of prices in Calcutta during that period?

The exports of rice from Calcutta during the last four years have varied according to the period of the year as follows:—

	1870.	1871.	1872.	1873.
	Tons.	Tons.	Tons.	Tons.
January to March ...	109,886	86,930	118,950	160,851
April to June	56,720	49,214	93,781	64,377
July to September ...	73,124	65,241	88,002	54,441
October to December.	76,157	83,843	77,981	45,938
	315,887	285,228	378,714	325,607
Average, 3 months ...	105,299	95,076	116,238	108,535

If we add the shipments from Chittagong to the account, we may say roughly that the total exports from Bengal have averaged of late years about 25,000 tons a month, from April to December inclusive. What effect present prices will have upon the export of the *next* seven months, no one can predict with any certainty. They will not improbably reduce it to less than half the usual quantity, or 10,000 tons instead of 25,000.

At this rate, we shall have a demand of about 300,000 maunds a month to satisfy, from the narrow reserves that will be finding their way to Calcutta during the period. The consumption of the city itself meanwhile, will probably not exceed 500,000 maunds. Mr. Cotton estimates the monthly consumption of Calcutta and its suburbs, when prices are at their normal level, at about 600,000 maunds. It is most difficult to say what effect a demand of 300,000 maunds a month for export will have on prices during the next seven months, when the food-stores of the surrounding districts are reduced by the failure of the harvest, and the advanced season of the year, to the very narrowest limits. We fear we must expect to see severe famine prices ruling in Calcutta down to December next. And this, upon the supposition that the export will fall from the normal rate of 25,000 tons a month to 10,000. It seems to us unreasonable to expect anything else. We know that throughout the districts that supply Calcutta with rice, the harvest was marked by failure to a greater or less extent; that the agricultural classes, as a measure of precaution, will reserve a larger share than usual of this harvest for their own wants; and that an unusually heavy drain will be steadily felt throughout Lower Bengal to meet the scarcity in Behar. In these circumstances, it will be with difficulty, we fear, that this city will obtain the half million of maunds a month required for its own consumption; while the export, even upon no greater scale than we have supposed, will heavily increase the demand upon the surrounding districts. Instead of half a million of maunds a month, the city will demand 800,000 maunds for herself and for the foreigner. It is all but an economic certainty then, that this export demand will indefinitely affect prices throughout the districts upon which the demand will fall. If we could keep prices from July to November in Calcutta at 10 or 11 seers the Rupee instead of 8 or 9, it would be a great mitigation of the position; for it is the price in the Calcutta market that mainly determines prices throughout Lower Bengal, and if we can keep prices below famine range in Calcutta, we shall probably be able to keep them so throughout the Lower Provinces.

—*Indian Economist*, May 30, p. 257.

THE REVENUE REGISTER.

No. 10.]

MADRAS:—THURSDAY, OCTOBER 15, 1874.

[VOL. VIII.]

VILLAGE SANITATION.

THE sanitation of villages is a subject which so deeply concerns the interest of the people, that up to this time it is a matter of surprize that no proposals have been made for general adoption by the Medico-sanitary department. The subject of Army-sanitation, theories regarding the origin or propagation of cholera, and the state of health in jails, seem to engage most of the correspondence and reports; but of the ordinary state of every village, there is no detail, or practical suggestion for improvement. This is the more remarkable when it is considered that the cause of 2,14,000 deaths in 1872, which is shown to be in the proportion of 42 per cent to all other causes, is *fever*; and jungle fevers being separated, as prevalent in peculiar localities, the characteristic of the most deadly type of fever is *typhoid*; and this is stated, in the British Army Report, in the Madras Presidency, to have been the cause of 27 admissions and 23 deaths—all other fevers, including local climatic fevers, having occasioned only 9 deaths. Enteric, or typhoid, fever was then threefold as fatal as any other fever in the British army; and this in stations where the greatest care is taken in regard to drainage, water supply, and

removal of all impurities. What must be the state of native villages, where there are no such appliances; where the streets, lanes, hedges, are used as latrines; where filth reigns supreme; and where there are no hospitals, or carefully drawn up hospital returns, neither a chance of recovery, nor a record of disease!! Volumes have been written about the prevalence of cholera, fever, and small-pox; but the sanitation of villages remains as it was, and attention is only drawn to it when a plague stalks through the land. Then measures are hastily adopted when far too late; expense is incurred; reports written; and the matter slides into oblivion till aroused by a new calamity. The following is a remark of the Sanitary Commissioner of the War Office. "But enteric fever is known to be especially connected with putrescence in air, earth, or water; and hence this disease is more connected with causes which admit of being controlled, than are the others." Now, if the description of every village—without a Municipality—be known as abounding in every impurity of air, earth, and water—the air polluted by exhalations from decaying and fermenting substances—the water by want of care, and by impure earth and surface drainage—is there not a field for boundless improvement; that is, if the said pollutions are

admitted to be causatory of the fever, and death? No doubt this state of things is not of recent origin; filthy habits point to a continuance, and the wonder is that a greater mortality is not shown. But death returns are notoriously defective; birth returns being still worse; and a considerable proportion of both is never recorded at all. The Revenue subordinates have not been awakened to the momentous importance, which attaches itself to a correct record of vitality; and even if they were, there is no compulsory legislation at present possible. The mortality may, therefore, with propriety, be set down, as exceeding what is recorded; and when such a proportion is derived from fever, the importance of the matter must be admitted. Some might argue that an excessive mortality is of use to prevent over-population; and, certainly, when there are removable causes of death, such as before noted, they chiefly affect the weakest section, the children. But this argument must be scouted; and whatever the results of over-population may be, it must be admitted to be our duty, to improve the health and efficiency and comfort of the people who pay our revenue. In this point of view, an increase of population means increase of revenue, as more land is tilled and less left waste; there is also less fluctuation in the cultivated area. Among Mahomedan rulers the phrase "*réyèt dbâd*" expressed their idea of good government—an increased agricultural population dwelling in comfort.

As yet, plans for village improvement have been nugatory, owing to their expense. Some, even large, villages have no hereditary scavengers, and many can hardly raise funds for such purposes. It becomes, therefore, a problem how to accomplish conservancy with the minimum of original, and of permanent, expense, when the Local

Fund, which alone can contribute to such a scheme, is so very limited—one moiety being levied for the special purposes of roads, the other moiety to educate, vaccinate, medicate and provide for every other existing want. As everywhere, so here, in a very poor country with a large population, which it may be said only subsists, the money difficulty is the chief one. Municipal towns, with a collected population on a limited area, and with a large proportion of rich or well-to-do middle-class, are able to go to the expense of latrines and a scavenging establishment; but when you visit a village and ask where the funds are to come from, the answer is a difficult one. The only way out of the difficulty is to consider the economy of the world in which no atom is ever lost, or wasted, where the truest economy reigns and everything goes to its proper place by a change of its nature. The earth being the refuge for one class of material, and the air for the other, so by simply digging trenches for latrines and screening them, a means of avoiding surface-pollution is obtained—by burning the combustible rubbish, which would otherwise ferment, an excellent deodorizer is obtained—and by simple cinerators, and trenches of which the cost price is small, a means may be provided of the most economical description for the removal of earth-pollutions, and consequently, for the better conservancy of earth drainage. The conveyance of the street rubbish to the cinerator, in the vicinity of the trench latrine, is all that is required; and the people might surely learn to do that for themselves. Each person might be required to sweep and clean his premises, and to burn his rubbish; to visit the latrines on the calls of nature; and thus, a minimum of expense would afford the means of sanitation to a village.

SALUS POPULI.

AN ELEPHANT HUNT AND ITS RESULTS.

ON the passing of the Bill for the protection of wild elephants in October of last year, the Collector of Coimbatore addressed Government suggesting that these otherwise useless and sometimes destructive animals, should be captured for the use of Government, which was then believed to be greatly in want of elephants for commissariat purposes. This was approved; a scheme of a kedda was proposed, which met with the approbation of the Commissary-General; and Mr. Mackenzie, Inspector of Police, in the Collegal Taluk, was, on the Collector's application, put at his service for conducting this work. Mr. Mackenzie, after consulting with Ani Mantha, one of the most experienced hill-men, came to the conclusion that the best place for a kedda was in the mountainous region in the north-east part of the Coimbatore District, where the extensive jungles near the banks of the Cavery afford shelter to large herds; which, however, occasionally migrate to the south-west, and circulate over the country where they may be still undisturbed. Such herds are often met with in the long valleys leading from Hassanur to Caveripooram. The country, it may be supposed, is very feverish in these confined valleys. The experienced hill-man or Sholigar referred to by name Ani Mantha, or "Matha of the elephants," merits description; a tall, spare, reserved man of somewhat severe aspect, not given to much talk, but essentially business-like. His original costume was probably of the "Fantee" description; he now wears the dress of the plains. Being employed by sportsmen, and being an authority on elephants, he got this name. He finds tracks and takes the sportsman up to the elephant, but after

that, as the French say, he "does not remain." He once placed the writer, who was travelling through the country, in a warm corner; two bears on the right, a tiger in front coming up the Nulla, and bison on the left; the tiger jumped on to the bank, the bears disappeared, and even the bison, which was shot, did not remain, having been cleaned by vultures, while the tiger was being subsequently beaten for; only the head, skin, and marrow-bones remained, and Ani Mantha confessed he had not anticipated the loss of his dinner of beef, and the camp was not in spirits that evening. Mr. Mackenzie selected a narrow valley to the south of the Burghoor river in which he constructed a kedda. The place was about fifty miles from any large town from which supplies could be procured, and tools and other appliances, as well as labour, had to be brought from great distances. However, he managed to complete the kedda by the end of May, when he expected to lead elephants towards it. Before he had finished the kedda, a herd passed through it, and did not appear alarmed, and afterwards returned by the same way. There was some delay in the procurement of tame elephants to be ready against the capture of the wild ones, as the very large capture by Mr. Saunderson at Shamrajnugger in Mysore, in June, had necessitated the despatch of the Government elephants to that station. When however, he was supplied with the Government elephants, he sent his people to endeavour to bring down a herd from the north-east, Collegal jungles. About fifty were so moved, but as the distance was great, and the drive was slow and quiet, a great many, by twos and threes, evaded these hints to "move on." At last, sixteen of all sizes, probably a family party, were brought near to the kedda, when suspecting danger they broke back. Mr. Mackenzie managed, however, to get round

them, and by a discharge of rockets in their rear caused them to rush forward, when they all passed into the kedda, the gate keepers of which instantly drew across the bars of the gate and they were enclosed.

The next point was to keep them in, as they rushed all about during the night, trying to get out, but were foiled at every point. Then the tame elephants entered, and in course of time, all were secured with ropes. One of the largest, a fine female, took her condition so to heart, that she never moved after the ropes were on, did not attempt to free herself, refused food and water, and, finally, dropped and died. A child-elephant of 10 days also died. The remaining fourteen were all brought out of the kedda, without damage, except one large female, which hurt its trunk so severely, that it had to be fed by the mouth; by good treatment, however, it got all right again. The captives were then marched from the inhospitable glen, to Martalli, where they could get good grass, and finally, moved on to Collegal, where the Commissariat Officer visited the herd, and selected six of the largest for Government use. Some merchants from Hydrabad, who were on their way to Ceylon to buy elephants, having heard of the capture, came to Collegal, and offered Rupees 14,000 for the six subsequently selected, and one of the rejected; so that the capture seems to have been of some value. Eight remained of smaller sizes, which will probably fetch a good price, according to size.

The difficulty of making a kedda where there was no population to work, or food to eat, was very considerable, and reflected credit on Mr. Mackenzie's management. The kedda is likely to be used again, and, if necessary, another nearer the steamy jungles, in which the elephants delight, will be constructed, so there is hope of these jungle-dwellers entering the Government

service. Against the loss of freedom, must be balanced the immunity from the sportsman's rifle, as well as from the guns of the native hunters, of whose destructiveness little is known, in so distant a locality, but when cases have come to light of a herd being shot down for their bones, to be utilized as coffee manure, in more accessible places, it must be considered that the Government sanction for the capture of these generally timid and inoffensive beasts is a much better way of disposing of them. The solitary male, useless and untameable, may be left as a legitimate object for the skill and daring of the sportsman, while the timid herds are placed by the Government Bill under proper protection.

X.

HER MAJESTY'S PRIVY COUNCIL.

[BENGAL CASE.]

Mortgage by father of property purchased for his daughter—Rights of purchaser and daughter.

A purchased an estate from B for the benefit of his minor daughter, C, and executed a bond mortgaging an 8-anna share of the property as security for payment of the purchase-money. B subsequently sued A for the money, and the Principal Sudr Ameen decreed that A was personally responsible, and should pay the money to B. Subsequently A appealed on the ground that he was not alone responsible, but that his daughter, C, should have been joined in the decree. The Court did not vary its decree in A's favour, but permitted a compromise between A and B, by which A was to be liable for only so much as could not be satisfied by the sale of his daughter's property. On C's attaining majority she applied to have the case reheard.

Held, that the order of the Sudr Court permitting the compromise was wrong, and that the parties stand as they did by the decree of the Principal Sudr Ameen.

Judgment of the Lords of the Judicial Committee of the Privy Council on the appeal of *Unnoda Dabce v. Maria Louisa Stevenson*, from the High Court of Judicature at Fort William in Bengal, delivered 3rd July 1874.*

Present.

SIR JAMES W. COLVILLE.
SIR MONTAGUE E. SMITH.
SIR ROBERT P. COLLIER.

THIS was an appeal from a judgment and decree of the High Court of Judicature at Fort William in Bengal, dated the 8th June 1867, on review of a decision of the late Sudr Dewanny Udalut, dated the 5th March 1857, amending a judgment and decree of the Principal Sudr Ameen of Zillah Rajshahye, dated the 12th June 1855. This suit was instituted by the husband of the appellant against Mr. Henry Gloucester French, in his individual capacity, and as guardian of his daughter, the respondent, Maria Louisa Stevenson, then M. L. French, a minor, and one Sree Bamundass Mookerjee, to recover the sum of Rupees 12,276, for principal and interest on a certain mortgage bond, dated the 23rd Aghran 1253, B. E. (1846, A. D.) The mortgage bond was, omitting formal parts, as follow :—

“To Issur Chunder Mustaffee, Zemindar.

“By Henry Gloucester French, inhabitant of Kootee, Shampore Thannah, Nattore, appertaining to Zillah Rajshahye.

“Mortgage tummasook, in the form of an ikrar, respecting mortgage of a putnee taluk executed in the year 1253, B. S. I am the guardian of Miss Maria L. French, my minor daughter. In order for the benefit of the minor, I have written my name for my minor daughter, by reason of her minority, in the putnee papers with reference to the four remaining Mouzahs, Degapothaea, Chidrogown, Ichalabaree, and Bhatpara.

“Your Zemindary of Zillah Shaool with Dehee Hurrenai Hijalee, Pergunnah Sindabajad, Zillah Rajshahye, Sudr annual jumma of which, inclusive of police (tax), is Company's Rupees 7,151-10-0, and which has been written in your name in the Collectorate of Zillah Rajshahye—that Zillah Shaool, besides Mouzahs Degapathaea, Chidrogown, Ichalabaree, and Bhatpara, being excluded, the whole of the remaining villages at an annual jumma of Rupees 10,450, and at a consideration of Rupees 26,625. I have become security in person and property, and having executed a Zamminamah, have taken in putnee, on account of her minority, and as her guardian and executor, I execute a putnee caboolent, and sign for her with my own pen. Of the consideration-money of the putnee purchase Rupees 18,625, in cash and Bank of Bengal notes, have been paid in through my managers, Sree Jadab Nundo Bagchee and Bycuntnath Bose. Owing to the remaining Rupees 8,000 of the purchase-money not being in the treasury of my daughter, I mortgage the half,

that is, the 8 annas of the putnee mehal aforesaid, which I took for my daughter in putnee, and now having taken from you a receipt for the consideration received by you, and the Byenamah of the putnee aforesaid, I execute to you this tummasook, in the form of an ikrar, for the balance, Rupees 8,000. From this day's date and within two months or a period of sixty days, I will pay you that amount, together with the usual interest, and take back this tummasook from you. In case I should pay you by instalments, you will give me credit for such payment on the back of the tummasook; besides the payment endorsed on the tummasook, should I raise any plea of payment, the same shall be invalid and bad. So long as I don't pay the amount aforesaid, you shall neither give the mortgage putnee lands in durputnee to any other person, nor alienate the same by gift or sales, &c. If you do such, the same shall be invalid and unrecognizable. If I don't pay within the term aforesaid, then you may institute a suit, and in execution of decree attach and sell the aforesaid mortgage-property, as well as my own estates, whether in my name or Benamee, and whether held for a term or mourosee, and satisfy yourself, and I shall make no objection or opposition to the same.

“Under these circumstances, having duly received the Byenamah and receipt of the consideration-money of the putnee aforesaid, I mortgage the 8 annas of the putnee mehal aforesaid for the balance Rupees 8,000 of the purchase-money, and execute this mortgage tummasook in the form of an ikrar.”

By a deed of sale the said Izur Chunder Mookerjee assigned to the said Sree Bamundass Mookerjee the said mortgage-debt and securities for the same. Such assignment was made to the said Sree Bamundass Mookerjee, Benamee for the plaintiff.

On the 28th June 1851 the plaintiff filed his plaint against the said Henry Gloucester French himself, and as guardian of Maria Louisa French, minor, and the said Sree Bamundass Mookerjee, claiming an aggregate sum of Rupees 12,276, for principal and interest, under, or by virtue of the said mortgage bond, and stating (*inter alia*) as follows:—“And inasmuch as the Sahib aforesaid has represented that the mehals aforesaid were taken on putnee on account of his daughter, and he has signed his name as guardian of his daughter named in the putnee caboolent for the same, and as the deed of sale of the putnee likewise specifies his name as guardian of his daughter, and the amount of the tummasook is clearly executed on account of the unpaid consideration of the putnee purchase, and the Sahib aforesaid has mortgaged the 8 annas of that putnee, together with the whole of the estates in his own name as security for the payment of the amount of the tummasook, and inasmuch as the Sahib aforesaid is now established in his Kootee Meergunge in Thannah Mahomedpore, Zillah Jessore, it therefore becomes necessary to sue him in the above sum in his own name and as guardian of his daughter.”

* Reported specially for the *Madras Jurist*.

The suit came on for hearing before the Principal Sudr Ameen of Zillah Rajshahye, on the 12th of June 1855, who gave a judgment to the effect that the said respondent, Henry Gloucester French, do pay to the plaintiff the sum of Rupees 12,276, together with interest and costs. The material portions of the judgment are as follows:—

"When Mr. French, defendant, has himself admitted the ikrar in his reply, and when the right and interest of plaintiff in this ikrar has been proved to have been purchased by the plaintiff in the proceedings in settlement of the issues in bar, it becomes necessary to adjudicate on the issues of fact—Whether the plaintiff is entitled to recover the principal and interest in accordance to the terms of the ikrar, or is Mr. French exempted from liability to interest since the dismissal of the case of Kistocoomar Moibis respecting the mehal of Zillah Shaoool? Was such an arrangement made by the Zemindar, and if so, would it be binding on the plaintiff. The issue or law is the following on the allegation that the Zemindar, vendor, had duly granted a receipt for the value of the putnee, and had accepted a tummasook for the unpaid value from the Sahib only. Will Mr. French be only liable or also his daughter, the minor, and if in person or property adjudication on plea of law. On the ikrar, the basis of the present claim, neither in the contents nor in the signature does it appear that Mr. French has attested and granted this ikrar as for his guardian, Miss Maria Louisa French, minor. Mr. French, defendant, has not signed his name on the contents, or in the signature of the ikrar, as guardian of his minor; he merely has signed his own name. It is clearly stated in the ikrar that the Sahib has taken the putnee for his minor. Mr. French, defendant, has merely, in this transaction, mentioned the name of his minor. He seems himself bound in every respect, when, for the consideration of the putnee, the Zemindar has received in part by cash, and partly by document, and granted a receipt for the same, and when this ikrar cannot but be regarded as one instrument in a transaction, the minor cannot be obliged. But regarding the putnee mehals which have been stated in this ikrar to have been mortgaged, it has clearly been proved to have been in the possession of the claimant."

The said defendant, Henry Gloucester French, being dissatisfied with the said judgment and decree of the Principal Sudr Ameen, filed six grounds of regular appeal against the same. The second of such grounds was as follows:—
"I was not aware of the contents of the answer filed at first on my behalf, I therefore filed

"another vakalatnama in the name of the vakeel Bhoobun Mohun Sein, and produced through him a petition of objection, stating therein the forementioned objections. But the Principal Sudr Ameen disposed of this suit at the time when the said vakeel was absent on leave. Such being the case, the decision of that officer is contrary to justice, to the established rules of Court, and also to the precedent of this Court." The fifth of such grounds was as follows:—"Although it is well known that I had obtained the putnee tenure in question on behalf of the (afore-said) minor, as her guardian and executor, and the responsibility of the amount of loan claimed by the plaintiff attaches to her, and although plaintiff instituted this suit against me as guardian and executor of the said minor, yet the Principal Sudr Ameen has decreed the case against me alone. Hence it is clear that the decision of that officer is contrary to the pleas set up both by the plaintiff and defendant, and also to justice."

The said appeal came on for hearing on the 5th of March 1857 before three Judges of the Sudr Court, who delivered judgment as follows:—

"This suit was brought for the above sum on a bond executed by Mr. Henry Gloucester French as woolee and woossee of his minor daughter, Miss French, being the balance of the purchase-money of a putnee granted by Issur Chunder Mustafee, Zemindar, for the use and benefit of Miss French The Principal Sudr Ameen, on the ground that Mr. French admitted having executed the bond, after overruling some objections as to his personal liability under the contract, decreed the whole amount against him as a money debt. Mr. French has appealed, and his pleader, after submitting some pleas and objections which were found not to be included in his written grounds of appeal, confined his appeal to the point, that as the debt was obviously contracted by Mr. French for the purchase of a putnee, exclusively intended for the use and benefit of his minor daughter, and for the security of which debt the half share of the putnee was specially pledged, that the decree be allowed to declare the liability of the property so pledged in the first instance, and that the decree-holder be permitted to proceed against Mr. French only for such balance of the decree as may not be satisfied by the sale of the property pledged. As the pleader on the other side signifies to the Court that he should be satisfied if the lower Court's decree be to this extent amended; it is therefore ordered that the amount decreed by the Principal Sudr Ameen be confirmed, but with reference to the above arrangement, the decree-holder will first pro-

"ceed to satisfy this decree by sale of the property pledged, so far as that property may be liable under the terms of the bond executed by Mr. French, as woolee and woosee of his daughter, and any balance still remaining with them be levied upon Mr. French unreservedly until the whole amount of the decree be realized. Costs on the appellant."

The respondent, Maria Louisa Stevenson, then Maria Louisa French, was, at the time of delivery of the said judgment of the said Sudr Court, resident in England, and was between 17 and 18 years of age. She attained her majority in 1860, having previously married the respondent, John Stevenson. On the 22nd of September 1866, the said Maria Louisa Stevenson filed a memorandum, applying for a review of the said judgment of the Sudr Court.

The application for review having been granted, the case was, on the 8th of January 1867, reheard by the Honourable Sir Barnes Peacock, Chief Justice, and the Honourable Mr. Justice Markby, who decided that—"The judgment and decree of the Sudr Court must be modified by cancelling that part of it which orders that the decree-holder will first proceed to satisfy the decree by a sale of the property pledged, so far as that property may be liable under the terms of the bond executed by Mr. French, as woolee and woosee of his daughter, and that any balance still remaining will then be levied from Mr. French unreservedly until the whole amount of the decree be realized."

The material portions of the judgments were the following:—"I think it perfectly clear that when the decree was obtained against Mr. French upon his answer, that he alone was personally liable, and that neither his daughter nor her estate was liable; the Sudr Court ought not, on his appeal, as guardian of his daughter, to have held that the 8 annas share was liable to be sold in execution of that decree. Nor do I understand that the Sudr Court did so decide as a matter of legal construction. They acted merely upon the arrangement and compromise between Mr. French and the respondent, and this at a time when the daughter's interests were in conflict with those of her guardian We are of opinion that the Sudr Court ought not to have acted upon the compromise between Mr. French and the plaintiff to the prejudice of the minor, and that the decree ought to have stopped at the word confirmed Whatever may be the rights between Mr. French and the plaintiff, between themselves, under the agreement of compromise, we are of opinion that no effect can be given to it in an appeal from the decision of the Principal Sudr Ameen, and that, upon rehearing that appeal upon review which

"we are now doing, we cannot order it to be enforced to the prejudice of Mrs. Stevenson, by modifying the decree of the Principal Sudr Ameen, and holding that the estate shall be sold in execution of the decree before it is enforced against Mr. French. Upon the merits of the appeal (independently of the agreement of compromise) we are of opinion that Mr. French's appeal ought to have been dismissed, and the decision of the lower Court affirmed, upon the ground that the suit was not brought to render the estate liable, but for a decree against Mr. French personally. Secondly, that Mr. French's grounds of appeal were in direct opposition to his defence in the lower Court, and that the plaintiff, in his answer to Mr. French's grounds of appeal, contended that there was no necessity to enter into the question whether the land was liable We must order Mrs. Stevenson to be restored to all things which she has lost by the decree of the Sudr Court, which has been set aside. We therefore order that all that has been done to her prejudice in pursuance of that part of the decree of the late Sudr Court which ordered the 8 annas share to be sold be set aside, and that the attachment of that 8 annas share be withdrawn. We think it unnecessary to interfere with the amount of costs awarded by the late Sudr Court."

Mr. Kay, Q. C., and Mr. John Cutler, for the appellant, cited *Sherafatoolah Chowdry v. Sreematty Abedonissa* (17, Cal. W. R., 374); *Heru Chunder Banerjee v. Moorul Hossen* (17, Cal. W. R., 419); and *Brooke v. Lord Mostyn* (2, DeGex Jones and Smith, 373), and contended that the compromise was binding on the respondent, and that the respondent, by adopting the purchase, adopted the mortgage also, as being part of the same transaction, and that the 8 annas of the respondent's estate was primarily liable for the mortgage and debt.

The following judgment was delivered by Sir M. Smith:—

Their lordships think that they ought not to disturb the decree of the High Court which was made upon a review of the judgment of the Sudr Udalt. The suit was brought by the present appellant, who was the representative of a vendor of a putnee taluk which had been purchased by Mr. Henry Gloucester French, as he represented, on behalf of his minor daughter, Miss Maria Louisa French. The suit was brought against Mr. French personally and as the guardian of his daughter. It appears that upon the purchase of the estate, which was sold for the sum of Rupees 26,625, a sum of Rupees 8,000, part of it, remained unpaid; and Mr. French gave a mortgage bond, or what is called a tummasook, to secure

this money, and the suit was brought upon that bond. The conclusion of the suit is this,—after stating the circumstances of the purchase of the bond:—"It therefore becomes necessary to sue him in the above sum in his own name and as guardian of his daughter. This suit is instituted against Mr. French himself and as guardian of Miss Maria Louisa French, a minor; and I pray that summons be directed to the defendants aforesaid as usual; and that on hearing my evidence in proof of my claim, it may be ordered that the defendants be directed to pay me the amount of my claim, with interest and Court costs." There is nothing in that prayer which seeks to affect the estate. It is a prayer that the defendants may be ordered to pay the amount of the claim. The case was heard before the Principal Sudr Ameen, who found these to be the facts:—"It does not appear from the tenor, or the part signed, of the ikrar on which the present suit has been brought by the plaintiff, that Mr. French has given and signed the ikrar as guardian or executor of the minor, Miss Maria Louisa French. He has not signed the ikrar as guardian and executor of the said Miss Maria Louisa French; he has signed for himself. It has been clearly mentioned in the ikrar that the defendant, Mr. French, had obtained the putnee tenure for the said minor. The name of the said minor was used in this affair only by the defendant, Mr. French. In every respect the defendant, Mr. French, appears to be responsible." He goes on:—"Such being the case, the said minor can by no means be responsible." Then the order is, "that the case be decreed, that the defendant, Mr. French, pay to the plaintiff the amount claimed, viz., Rupees 12,276, together with interest on the principal," and so on. There is therefore a finding, the question apparently having been raised, that Mr. French alone is liable upon that instrument, and an order upon him alone for the payment of the money. The plaintiff, whom the present appellant represents, seems to have been perfectly contented with that decree. He did not appeal; but Mr. French appealed upon the ground that he ought not to have been made solely responsible for this amount, and that his daughter ought to have been joined in the decree. That ground of appeal was in the teeth of his own assertion in the pleadings in the Court below that he was alone liable for this debt; and an effort was made by him to get rid of that pleading, but the Court apparently did not grant his request, and, at all events, that pleading stood; and so the case came before the Sudr Court. On the pleadings, as they stood, and which were not amended, it would have been impossible for that Court to have altered the decree as Mr. French desired;

and they did not do it; but it seems that Mr. French proposed to the plaintiff a compromise of the appeal, which the appellant acquiesced in. That compromise is stated in the judgment, founded on the compromise, of the Sudr Court. They state, "Mr. French has appealed; and his pleader, after submitting some pleas and objections which were not found to be included in his written grounds of appeal, confined his appeal to the point that, as the debt was obviously contracted by Mr. French for the purchase of a putnee exclusively intended for the use and benefit of his minor daughter, and for the security of which debt the half share of the putnee was specially pledged, that the decree be allowed to declare the liability of the property so pledged in the first instance, and the decree-holder be permitted to proceed against Mr. French only for such balance of the decree as may not be satisfied by the sale of the property pledged. As the pleader on the other side signifies to the Court that he should be satisfied if the lower Court's decree be to this extent amended, it is therefore ordered that the amount decreed by the Principal Sudr Ameen be confirmed; but with reference to the above arrangement, the decree-holder will first proceed to satisfy this decree by sale of the property pledged, so far as that property may be liable under the terms of the bond executed by Mr. French as wallee or woosee of his daughter, and any balance still remaining with them be levied from Mr. French unreservedly, until the whole amount of the decree be realized." The compromise may have been proper, and if all the facts could be assumed as Mr. Kay supposes them to exist, there may have been no objection to such an arrangement; but the vice of the arrangement is that it was made without the party who is principally affected by it being sufficiently represented. The appeal to the Sudr Court was really an appeal by Mr. French against his co-defendant, his own daughter; and she not being in any way represented before the Court but by himself, he comes to this compromise and gets the assent of the plaintiff to it. It is plain that the Court exercised no controlling power over it; that they did not consider that they were looking after the interests of the infant, but they base their decree simply upon this compromise. It does not appear what was done for ten years after this decree; but upon the daughter attaining her majority and being married, she and her husband applied to the High Court for a review of this decision, which the High Court had power to re-hear, as the Sudr Court, if it had existed, might itself have done. Upon the re-hearing, the objections to which allusion has just been made were pointed out in the judgment of the High Court. The learned Chief Justice went very fully into the case and case

to the conclusion that the appeal to the Sudr Court was not made by the plaintiff, but by Mr. French himself, and that he had obtained an alteration of the decree in his own favour to the prejudice of his daughter. The High Court thought that in a suit commenced as this had been, and with the pleadings of Mr. French standing as they did upon this record, they had not materials for going into the merits of the case to see what were really the rights between Mr. French and his daughter. Their lordships cannot say they were wrong. By reversing the former order of the Sudr Court, they left the appellant exactly where he was after the judgment of the Principal Sudr Ameen, a judgment from which he did not appeal, and to which he must be again remitted. Whatever rights (if any) the plaintiff may have against the estate or against the daughter, he will not be precluded from asserting in a suit properly framed, because one of the grounds of this judgment is that this suit was framed merely on a money claim for the amount of the mortgage-debt.

Their lordships will therefore humbly advise Her Majesty that the order of the High Court be affirmed.

CIRCULAR ORDERS OF THE BOARD OF REVENUE.

No. XXVII.

STANDING No. 295-5.

COLLECTORS TO DEFEND SUITS FOR TRANSFER OF PUTTAHS, WITHOUT REFERENCE TO BOARD, WHERE NO COMPLICATION.

Proceedings of the Board of Revenue, dated 17th August 1874, No. 2,291.

THE Board's Standing Order* No. XVI of 1872—(295-3) is cancelled, and Collectors are

* G.O., 16th July 1874, No. 885. empowered to defend without reference to the Board, suits brought for the transfer of puttahs in cases where there is no complication. Quarterly reports of such cases will be forwarded by Collectors to the Board for submission to Government.

No. XXVIII.

STANDING No. 3-2.

REWARDS CLAIMABLE BY SHIKARRIES—OPTION.

Proceedings of the Board of Revenue, dated 20th August 1874, No. 2,326.

STANDING ORDER No. 3 is modified to the following extent.

2. Shikarries and others will be allowed the option of claiming the rewards due to them for the destruction of wild beasts either from a Tahsildar or a Divisional Officer without restriction as to amount, but if the application is made to the Tahsildar, he must report on the case to the Divisional Officer (sending the skin and claws at the same time in the case of a wild beast), and await orders as to the amount to be disbursed.

No. XXIX.

STANDING No. 370-4.

GRANT OF LEAVE BY SUB-COLLECTORS SUBJECT TO COLLECTOR'S VETO.

Proceedings of the Board of Revenue, dated 31st August 1874, No. 2,449.

THE grant of leave by Sub-Collectors to Sub-division Sheristadars and Tahsildars of taluks is subject to the veto of the Collector.

No. XXX.

STANDING No. 407-13.

BATTA TO TREASURY DEPUTY COLLECTORS INSPECTING TALUK TREASURIES.

Proceedings of the Board of Revenue, dated 2nd September 1874, No. 2,479.

TREASURY Deputy Collectors when travelling to inspect taluk treasuries are entitled to batta at the rate of 4 Rupees a-day and to mileage at 4 Annas a-mile by road and 1½ by rail.

2. When the journey is made by rail, these officers will also be paid the fare for two servants and one horse if actually taken with them.

No. XXXI.

STANDING No. 71-1.

LOCAL FUND BOARDS MAY APPOINT SUB-COMMITTEES.

Proceedings of the Board of Revenue, dated 7th September 1874, No. 2,519.

GOVERNMENT have ruled that Local Fund Boards are competent to appoint Sub-Committees out of their own number for Schools, Dispensaries, &c. It is only when the Sub-Committees are to consist in whole or part of gentlemen who are not Members of the Local Fund Board, that a reference to Government under Rule XII is necessary.

OFFICIAL PAPERS.

REVENUE SETTLEMENT AND COLLECTIONS—
MADRAS—FUSLY 1282.

Proceedings of the Madras Government, Revenue Department, 23rd June 1874.

(Continued from page 270.)

11. RYOTWAR HOLDINGS OF LAND HELD ON PAYMENT OF ASSESSMENT DIRECT TO GOVERNMENT—*Statement No. 3.*—The following abstract of Return No. 3 shows Ryots' holdings or land held on Ryotwari tenure in all the Districts, except South Canara, where the areas are not known:—

ITEMS.	DRY.		WET.		TOTAL.	
	Extent.	Assessment.	Extent.	Assessment.	Extent.	Assessment.
	ACRES.	RS.	ACRES.	RS.	ACRES.	RS.
Holdings at the beginning of the Fusly 1282	16,084,145	170,09,993	3,601,793	169,27,437	19,685,938	339,37,430
Deduct lands given up	916,832	9,21,379	111,549	554,199	1,028,381	14,75,578
Remainder...						
Add lands taken up	15,167,313	160,88,614	3,490,244	163,73,238	18,657,557	324,61,852
	930,256	8,08,185	154,935	6,71,479	1,085,191	14,79,664
Total...	16,097,569	168,96,799	3,645,179	170,44,717	19,742,748	339,41,516
Deduct Waste remitted	435	601	50,905	3,55,957	51,340	3,56,558
Waste charged	1,605,532	14,07,433	142,818	5,50,096	1,748,350	19,57,529
Actual cultivation	14,491,602	154,88,764	3,451,466	161,38,665	17,943,068	316,27,429
Total...	16,097,134	168,96,197	3,594,274	166,88,761	19,691,408	335,84,958

12. The results of the year show a net increase in holdings (dry and wet) of acres 56,810 and in assessment of Rupees 4,085, or in other words, there is an increase of '3 per cent in the area and '01 per cent in the assessment. The gross increase amounted to acres 181,799 and Rupees 2,13,732, and the gross decrease to acres 124,989 and Rupees 2,09,647. The Districts in which the increase and decrease are most conspicuous are shown below. The increase in Bellary, Godavery, Kistna and Madura is due to the favourable character of the seasons, and in Kurnool it is due to that cause and to the correction of measurements by the survey in the Pattikonda Taluk. The decrease is attributable to several causes. In Trichinopoly it is for the most part nominal. A large extent of land (32,017 acres, assessed at Rupees 35,319) actually under occupancy was not included under Holdings, as it was occupied without application being formally presented and disposed of under the rules. The assessment of those lands has been therefore included under Miscellaneous, and the Collector has ordered inquiry to be instituted as to whether puttahs could be granted to the occupants under the Durkhast rules. In North Arcot the Collector states that the decrease, which is chiefly in dry land, is in consequence of the inadequate fall of rain during the season for the cultivation of dry crops, and in Coimbatore it is remarked that the relinquishments are chiefly in sickly hill taluks and in low classed land probably requiring to be left fallow. In the other Districts the Collectors do not explain the cause of the falling off. The Board observe that in Chingleput the decrease in the area is only 1,384 acres, while that in the assessment is Rupees 24,668. The cause of this apparent disparity is not clear. The area of wet lands has increased by 969 acres, but in its assessment there is a decrease of 9,785 Rupees. The decrease on dry lands is also quite out of proportion to the decrease in assessment. Against a decrease of 2,353 acres there is a falling off of Rupees 14,883 in the assessment. This is probably because the areas have been corrected in accordance with the

survey in some of the taluks, though the assessment has been left as it is pending settlement. The Collector will, however, be requested to explain.

	ACRES.	RS.
Fusly 1281 ...	19,685,938	339,37,431
„ 1282 ...	19,742,748	339,41,516

Increase...	56,810	4,085
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	ACRES.	RS.
Increase.		
1. Bellary ...	72,223	31,141
2. Kurnool ...	36,670	21,913
3. Kistna ...	32,303	94,001
4. Godavery ...	19,915	26,247
5. Madura ...	8,207	10,702

	ACRES.	RS.
Decrease		
1. Trichinopoly ...	49,508	47,212
2. North Arcot ...	30,207	46,158
3. South Arcot ...	19,918	45,374
4. Nellore ...	7,693	12,440
5. Cuddapah ...	4,763	19,272
6. Coimbatore ...	3,444	12,873
7. Chingleput ...	1,384	24,668

13. RYOTWAR LANDS BROUGHT UNDER CULTIVATION.—Of the hold-

	ACRES.	
Dry holdings ...	16,097,569	
Actual cultivation...	14,491,602	
		graph 90 per cent
		of dry and 94.6 per
		cent of wet lands
		were cultivated.

On the whole the cultivation during Fusly 1282 amounted to 90.8 per cent of the holdings in extent, bearing a charge of 93.2 per cent of the assessment. This, it may be remarked, includes as usual portions of fields left waste and fields ploughed but not sown, amounting to nearly 500,000 acres, as shown below :—

	ACRES.	RS.
Total holdings ...	19,742,748	339,41,516
Cultivation ...	17,943,058	316,27,429

	ACRES.	RS.
Portions of fields left waste ...	481,962	5,83,892
Land ploughed but not sown ...	16,681	28,781

Total...	498,643	6,12,673
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In Ganjam, Bellary, and Kurnool, however, portions of fields left waste were not shown as

part of the cultivated area, but were added to the entire fields left waste and shown as charged or not according to circumstances. In Ganjam the Collector has explained that the fields according to the old measurement (Paimash) range from 169 square feet (1 Kunta) to 400 acres, and that portions of fields left waste could not therefore be fairly shown as part of the cultivated area; but the Collectors of Bellary and Kurnool do not say why their accounts are framed on a different principle from that adopted in other Districts, and they have been called upon to explain. As the figures stand the cultivation in Fusly 1282, when compared with that for the previous year, shows an increase of 327,529 acres, assessed at Rupees 5,45,649. This net result arises from an increase in fifteen Districts and a decrease in the rest, as shown below :—

	ACRES.	RS.
Fusly 1281 ...	17,615,529	310,81,780
„ 1282 ...	17,943,058	316,27,429

Increase...	327,529	5,45,649
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Increase...	Extent.	Assessment.
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	ACRES.	RS.
1. Vizagapatam	20,717
2. Godavery ...	11,226	36,896
3. Kistna ...	171,235	3,23,950
4. Nellore ...	4,908	36,814
5. Cuddapah ...	13,815	51,874
6. Bellary ...	93,982	65,705
7. Kurnool ...	40,463	21,942
8. Chingleput ...	13,424	958
9. Tanjore ...	34,332	65,219
10. Madura ...	18,055	34,383
11. Tinnevelly ...	23,648	2,431
12. Coimbatore ...	7,349	7,774
13. Nilgiris ...	4,799	2,051
14. Salem ...	956	8,763
15. Malabar ...	1,641	6,414
	439,833	6,85,891

Decrease.

1. Ganjam ...	806	160
2. Vizagapatam ...	1,183	.....
3. South Arcot ...	15,505	25,666
4. North Arcot ...	37,621	65,057
5. Trichinopoly ...	57,189	49,359
	112,304	1,40,242

Net...	327,529	5,45,649
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14. The increase in the assessment, accompanied by a decrease in the area in the District of Vizagapatam, has been caused by the relinquishment of cultivation in dry and increased cultivation in wet lands during Fushy 1282, owing to a favourable season. In Chingleput and Tinnevely the increase in the assessment is not commensurate with the increase in the area. In the former this is probably due, as explained in regard to holdings, to the correction of the areas by the survey, whilst the assessment is left untouched pending settlement, and in the latter, the cause is not explained by the Collector; but the Board observe that in this District it has been usual to include in the assessment the charge on account of second crop raised on single crop lands, and the charge for water on dry land irrigated for more than one year instead of showing these items separately as in other Districts. It is, therefore, possible that though the area cultivated might be larger, still the fluctuations in the second crop cultivation and irrigation of dry lands might cause a diminution in the assessment. The Collector will, however, be requested to explain this, and in future to exhibit Fasaljasti (assessment for a second crop) and Teerwajasti (water-rate) charged on Government lands separately as is done in all other Districts. The increase in Tanjore is accounted for to the extent of Rupees 36,134 by portions of fields left uncultivated, which were formerly included under waste charged, having been, to secure uniformity, transferred to cultivation in Fushy 1282. The increase in the other Districts does not call for remark, being chiefly due to the favourable seasons.

15. As regards the Districts in which there is a decrease Ganjam does not call for remark, the decrease being trifling. In Trichinopoly a large portion of the decrease (Rupees 20,719) is nominal and is attributable to the same cause which has been assigned for a similar result in the total holdings. As regards the remaining decrease in the District (Rupees 28,640) the Collector attributes it chiefly to the facts that, in consequence of the extraordinary reduction of assessment in Mr. Puckle's settlement, ryots were tempted to speculate in land who had no means of cultivating it properly, and yet took up large blocks, and after struggling with difficulties year after year are now beginning to throw up their lands and reduce their holdings to an extent which they can afford to cultivate. The decrease in North Arcot is stated to be due to the fall of rain during the season being insufficient for cultivating dry crops, and the cause of the decrease in South Arcot is apparently due to the same cause, though the Collector does not explain it.

16. RYOTWARI LANDS LEFT WASTE (REMITTED AND CHARGED).—Of the lands under occupancy noted in paragraph 11 above 2,281,652 acres,

assessed at Rupees 28,97,979, were left waste. Of this extent the ryots paid for 2,228,107* acres, assessed at Rupees 25,32,586, and got their dues remitted on 53,545† acres, assessed at Rupees 3,65,393. Out of the waste charged 92 per cent in the area and 73·6 per cent in the assessment relates to dry lands, and the remaining small percentage appertains to wet land, as shown below :—

	Extent.	Assessment.
	ACRES.	RS.
As per Statement		
No. 3	1,799,690	23,14,087
Waste portions included in cultivation	481,962	5,83,892
Total...	2,281,652	28,97,979
	ACRES.	RS.
* As per Statement		
No. 3	1,748,350	19,57,529
Waste portions included in cultivation	479,757	5,75,057
Total...	2,228,107	25,32,586
† As per Statement		
No. 3	51,340	3,56,558
Portions included in Statement No. 4	2,205	8,835
Total...	53,545	3,65,393
	ACRES.	RS.
Dry	2,052,105	18,68,499
Wet	176,002	6,69,087
Total...	2,228,107	25,32,586

17. Much of the waste dry land is retained by ryots for pasturage, and the general rule is that no remission is allowed on it. The waste wet land charged is less than that in the previous year, and does not call for remark; the charge being made only when negligence is the cause of its being left waste.

The Districts in which the greater part of the charge for occupied waste was made are noted below :—

	As per Statement No. 3.	On portions of fields included in cultivation.	Total.
	RS.	RS.	RS.
1. Kistna ...	2,72,399	2,09,515	4,81,914
2. Coimbatore...	2,05,992	38,569	2,44,561
3. South Arcot.	1,81,043	39,244	2,20,287
4. Nellore ...	1,71,757	41,917	2,13,674
5. Godavery ...	1,49,035	76,748	2,25,783
6. Tinnevely ...	1,47,821	42,969	1,90,790
7. Tanjore ...	1,40,665	36,134	1,76,799
8. Chingleput...	1,38,495	30,106	1,68,601
9. North Arcot.	1,32,366	14,509	1,46,875
10. Trichinopoly.	1,05,043	37,369	1,42,412
11. Madura ...	93,052	23,281	1,16,333

18. RYOTWAR SETTLEMENT.—The Ryotwari settlement is formed by adding to the actual cultivation (1) the portion of the waste which is charged for, (2) the assessment on account of second crop cultivation, (3) additional assessment, (4) water-tax, and (5) miscellaneous items; all of which will be noticed hereafter, and by deducting therefrom—

(1.) Occasional remissions.

(2.) Fixed remissions.

(3.) Deductions on account of village establishments and sundry other purposes.

19. The settlement of the Ryotwari revenue thus made for the fusly under report amounted to Rupees 397,46,618 against Rupees 387,37,851 in the previous year, resulting in an increase of Rupees 10,08,767, as will be seen from the following comparative abstract :—

ITEMS.	FUSLY 1281.		FUSLY 1282.		INCREASE.		DECREASE.	
	Extent.	Assessment.	Extent.	Assessment.	Extent.	Assessment.	Extent.	Assessment.
	ACRES.	RS.	ACRES.	RS.	ACRES.	RS.	ACRES.	RS.
Dry	16,084,145	170,09,993	16,097,569	168,96,799	13,424	.....	.....	1,13,194
Wet	3,601,793	169,27,433	3,645,179	170,44,717	43,386	1,17,272	.....	.....
Total...	19,685,938	339,37,431	19,742,748	339,41,516	56,810	4,085	.....	.....
Second Crop Assessment...	.....	5,77,025	.....	6,75,153	.....	98,128	.....	.....
Additional Assessment ...	.....	5,22,251	.....	6,25,255	.....	1,03,004	.....	.....
Water-tax ...	.....	13,47,655	.....	13,83,163	.....	35,508	.....	.....
Revenue of South Canara.	.....	12,75,496	.....	12,76,657	.....	1,161	.....	.....
Total...	.....	376,59,858	.....	379,01,744	.....	2,41,836	.....	.....
Deduct.								
Waste Remissions ...	.....	6,13,261	.....	8,56,558	.....	.....	.....	2,56,703
Other Remissions ...	.....	20,61,227	.....	17,06,567	.....	.....	.....	3,54,660
Total...	.....	26,74,488	.....	20,63,125	.....	.....	.....	6,11,363
Remainder ...	.....	349,85,370	.....	358,38,619	.....	8,53,249	.....	.....
Add Miscellaneous ...	.....	37,52,461	.....	39,07,999	.....	1,55,518	.....	.....
Total...	.....	387,37,851	.....	397,46,618	.....	10,08,767	.....	.....

There is an increase in the Ryotwar demand in all the Districts except Madras, the Nilgiris and Malabar, and the Districts in which the increase is large are noted below with the amounts of the increase specified opposite to each:—

	Increase.
	RS.
1. Cuddapah	1,37,624
2. Tinnevely	1,19,030
3. Bellary	1,13,132
4. Nellore	1,05,760
5. Ganjam	1,01,463
6. Godavery	95,930
7. Vizagapatam	77,366
8. Madura	72,234

20. **RYOTWAR SETTLEMENT—Second Crop Assessment.**—The amount charged on account of second crop assessment in Fusly 1282 is Rupees 6,75,153 against Rupees 5,77,025 in the previous year.

The net increase of Rupees 98,128 has resulted from a gross increase of Rupees 1,23,613 in ten Districts, and a gross decrease of Rupees 25,485 in three Districts. The Dis-

	RS.
1. Cuddapah...	30,340
2. North Arcot	27,247
3. Chingleput.	23,956
4. Godavery...	16,278
5. Bellary ...	11,082
6. Kistna ...	5,998

tricts in which the increase is large are noted in the margin. The increase in Godavery is only nominal. Hitherto water-rate charged whether on first crop or second crop has been entered in one column, i.e., "Water-tax;" but this year the Collector has entered the charge on the second crop under the proper head with reference to the Board's remarks in their last Jamabundy Report. In Kistna the increase appears to be due to the same reason, though the Collector does not state it, and in all the other Districts it is attributable to the favourable seasons. The three

	RS.
Kurnool...	1,740
Trichinopoly...	4,272
Madura...	19,473

Districts in which there is a decrease are noted in the margin. In Kurnool the decrease is chiefly in Koilkuntla, Cumbum, and Markapur, where most of the tanks received insufficient supplies, in Madura it is owing to the scanty rain-fall during the first half of the calendar year 1873, and in Trichinopoly the cause of the decrease which is small is not explained.

21. **RYOTWAR—Additional Assessment, or the charge on Dry Lands irrigated.**—The amount shown under this head includes not only the charge for water on dry lands temporarily irrigated, but also in some Districts the additional assessment imposed on lands as a means of prohibiting cultivation. The Board consider that charges of the latter description alone should appear under this head, and that all charges on account of water, whether charged at fixed rates or with reference to the difference between wet and dry assessment, should be shown as water-tax. If this view is approved the Board will instruct the Collectors accordingly. As the figures stand the amount shown under this head shows a net increase of Rupees 1,03,004, which is the result of a gross increase of Rupees 1,17,252 in eleven Districts, and a gross decrease of Rupees 14,248 in five districts.

The increase is conspicuous in the Districts noted in the margin.

	RS.
1. South Arcot ...	45,254
2. North Arcot ...	26,913
3. Bellary ...	18,249
4. Cuddapah ...	12,609
5. Chingleput ...	9,416

In South Arcot the Collector states that it is due partly to the enhancement of water-rate for the cultivation of plantain, betel, &c., recently sanctioned by the Board. In North Arcot it is stated to be due to the strict adherence to the rules, and the dread of detection during the operation of the Revenue settlement, which has already brought to light several cases of fraud practised by Curnums in respect of this item of charge in the Chendragiri and Chittoor Taluks. In the other three Districts the cause of the increase is not explained, but the Board believe that it is due to the favourable seasons and the consequent abundant supply of water available.

22. **RYOTWAR SETTLEMENT—Water-tax on Government Lands.**—The greater part of this tax is levied in the Delta Taluks irrigated by the Godavery and Kistna anicuts. The total revenue from this source amounted to Rupees 13,83,163 against Rupees 13,47,655 in the previous year, and was contributed chiefly by the Districts noted below. The increase which is small calls for no remark.

	RS.
Fusly 1281	13,47,655
" 1282	13,83,163
Increase...	35,508

	RS.
1. Ganjam	9,47,478
2. Kistna	2,96,728
3. Tanjore	50,041
4. Trichinopoly	35,770
5. Kurnool	13,136
6. Chingleput	11,887
7. Coimbatore	10,370
8. Nellore	9,554

23. RYOTWAR SETTLEMENT—*Remissions.*—

The deductions which are made from the gross demand on account of land assessment in the Ryotwari settlement will now be noticed. Their amount for Fusly 1282 is given in the following abstract in comparison with the previous fusly, and will be observed to contrast favourably with it to the extent of Rupees 6,11,363, the details of which will be noticed below :—

Items.	Fusly 1281.		Fusly 1282.		Increase.		Decrease.	
	RS.		RS.		RS.		RS.	
Waste remissions as per Statement No. 3	6,13,261	...	3,56,558	...	...	...	2,56,703	...
As per Statement { Occasional remissions	7,27,054	...	4,44,037	...	...	...	2,83,017	...
do. { Fixed	72,042	...	64,750	...	...	...	7,292	...
Items allowed on the collection or from demand of villages	12,62,131	...	11,97,780	...	...	...	64,351	...
Total...	26,74,488	...	20,68,125	...	...	...	6,11,363	...
Net...	...	...	...	...	...	...	...	...

24. RYOTWAR SETTLEMENT—*Remissions on lands left waste.*—

	Fusly 1281.	Fusly 1282.
	RS.	RS.
As already stated in paragraph 16...	6,38,363	3,65,393
South Canara ...	8,240	3,510
Total...	6,41,603	3,68,903

—Remissions on account of lands left waste were granted during Fusly 1282 to the extent of Rupees 3,68,903, a sum which is less than that granted in the previous year by Rupees 2,72,700. They were almost entirely on account of wet lands left without irrigation for want of water.

25. RYOTWAR SETTLEMENT—*Occasional Remissions.*—

	RS.	
* Total remissions as per Statement No. 4 ...	4,44,037	
Deduct remissions on portions of fields left waste...	12,345	
	4,31,692	
As per paragraph 16.	8,835	
South Canara ...	3,510	
	12,345	
	4,31,692	
Fusly 1281 ...	6,98,712	
" 1282 ...	4,31,692	
Decrease...	2,67,020	

which is due to the favourable season. The remissions chiefly consist of the items noted below :—

	RS.
1. Loss of produce (Palanas-tam) ...	1,70,876
2. Reduction of assessment (Teerwa Cummy) ...	1,08,480
3. Second crop not cultivated (Fasal Cummy) ...	44,923
4. Withered crop (Shavy) ...	26,618
5. Payamaly or land injured by floods ...	12,487

Remissions on account of loss of produce (Item No. 1) were large only in the Districts of Godavery and Kistna. They were granted on both dry and wet lands with the previous sanction of the Board,* in conse-

* Board's Pros., 4th June 1873, No. 932. Board's Pros., 14th June 1873, No. 3,637. Board's Pros., 20th Jan. 1873, No. 337. quence of the damage done to the crops by excessive rains and inundations. The remission on account of reductions of assess-

	RS.	ment (Item No. 2),
1. Coimbatore.	56,995	occurred chiefly in the
2. Chingleput.	18,034	Districts noted in the
3. Nilgiris ...	10,137	margin. It is the re-
4. Nellore ...	9,533	duction of standard
5. Madura ...	9,296	assessment pending its
		general revision, and
		it also includes the
temporary remission granted on wet lands		
cultivated with dry produce for want of rain.		
In the Nilgiris this re-		
mission was granted		
on certain plantation		
lands under the sanc-		
tion of Government.		

G. O., dated 22nd
September 1871, No.
1,656.

The other items do not call for remark.

26. RYOTWAR SETTLEMENT—*Fixed Remissions*.—Remissions of this class consist of a variety of deductions which are made from the Ryotwari demand from year to year without reference to the season. The chief items* comprising this class, and the Districts† in which they occur, are noted below. The remission under these several heads being usual, and the amount small, they do not call for remark.

	RS.
Fusly 1281 ...	72,042
„ 1282 ...	64,750
	RS.
* Remissions for re-claiming	
rocky soils ...	7,029
Remissions for pasture lands ...	9,494
Remissions on Noothana Dusbundam, i.e., lands granted for the maintenance of a tank, well or channel ...	5,995
Remissions on Kattugutta (Bilmacta lands), i.e., lands held on favourable assessment ...	4,365
Remissions on charity and private topes ...	3,657
Remissions on excess Tax above 7 Rupees a Cawny for Dry lands in the South Arcot District ...	6,020
	RS.
† 1. Cuddapah ...	17,812
2. Chingleput ...	16,369
3. South Arcot ...	10,657
4. Salem ...	9,731

27. RYOTWAR SETTLEMENT—*Deductions from the Beriz on account of remuneration to Village Servants, Road-cess, &c.*—These deductions are made in satisfaction of established claims in accordance with the terms of the existing settlement, and amounted in the Fusly under report to Rupees 11,97,780. Unlike the other deductions they are paid by the cultivators into the Treasury and then made over to the funds to which they appertain. The chief component items are named below. Merahs, or sums due to village servants, are common to many Districts. Under this head there is a decrease of Rupees 63,297 which is in the Trichinopoly District, and is due to the fact that during the preceding year the amount had to be deducted for two years, i.e., Fusly 1280 and Fusly 1281. The second item, viz., Share of Revenue due to Shrotriendars, is confined chiefly to Tinnevely and Salem, and will disappear when the revision of the land assessment is completed in these Districts. The third item, viz., Road-cess included in the land assessment occurs in the Districts noted below. In the other Districts no part of the Road-cess is included in the assessment.

	RS.
Fusly 1281 ...	12,62,131
„ 1282 ...	11,97,780
	Decrease... 64,351
	RS.
1. Fees to Village Servants (Merahs) ...	10,23,676
2. Share of Revenue due to Shrotriendars ...	87,378
3. Road-cess included in the land assessment ...	82,813
	RS.
Fusly 1281 ...	10,86,973
„ 1282 ...	10,23,676
	Decrease... 63,297
	RS.
Tinnevely ...	75,447
Salem ...	11,258
	RS.
1. Trichinopoly ...	28,416
2. Godavery ...	28,360
3. Kurnool ...	13,017
4. Kistna ...	10,855
5. South Arcot ...	465
6. North Arcot ...	1,700
	Total... 82,813

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32. *Variations therein.*—There have been variations in the permanently settled revenue in the five Districts noted below, resulting in a net decrease of Rupees 13,132 :—

DISTRICTS.	ESTATES.	AMOUNT.	REMARKS.
	<i>Increase.</i>	RS. A. P.	
Vizagapatam ...	Waltair ...	3 10 8	The increase is nominal, and is owing to the fact that in Fusly 1282 only Rupees 3-10-8 were deducted from the demand paid to Government by this estate, while in the previous fusly double the amount was deducted on account of compensation due to the Zemindar for Fuslies 1280 and 1281—G. O., 17th August 1871, No. 1,382, and Board's Proceedings, 26th July 1867, No. 4,789.
Kistna ...	Munagala ...	26 14 8	Due to certain lapsed Inams which were made over to Zemindar— <i>Vide</i> G. O., 7th August 1872, No. 1,171.
		30 9 4	
	<i>Decrease.</i>		
Godavery ...	Pittapuram ...	23 4 10	This is the quit-rent payable to the Zemindar on certain resumed Inams within his estate, and has been deducted from the Government demand under G. O., 6th May 1872, No. 82.
	Kottam ...	36 0 0	This is the assessment of lands belonging to the Zemindar which were assigned years ago for Post runners, deduction of which from the Government demand was sanctioned under G. O., 14th March 1872, No. 455.
North Arcot ...	Kalastry ...	13,000 0 0	Due to the reduction made from the demand due to Government by the Zemindar on account of the loss sustained by him in consequence of the abolition of the Moturpha tax within his estate— <i>Vide</i> G. O., 14th January 1873, and Board's Proceedings, 18th January 1873, No. 304, and G. O., 26th July 1872, No. 1,131.
Tinnevelly ...	Ettiapuram ...	23 3 0	Due to the reduction made in the Government demand on estates for lands taken up for the Great Southern of India Railway.
	Maniachi ...	68 15 4	
	Perurani ...	11 9 5	
		13,163 0 7	
	Net decrease ...	13,132 7 3	

33. **LAND REVENUE.—Quit-rent on Shrotriems and other Inam, and variations therein.**—There is a net increase of Rupees 3,166 in the revenue from Shrotriem villages, resulting from a gross increase of Rupees 3,763* and a gross decrease of Rupees 597† as shown below. In Madura, Tinnevely, and Salem the increase is due to the imposition of quit-rents on villages enfranchised by the Inam Commissioner. The cause of the increase in Kistna and Trichinopoly is not explained, but it is evidently due to the enfranchisement of Inam villages. As for the decrease, in Godavery it is owing to the inclusion of arrears in the last year's demand; in Chingleput to the resumption of Coromandel, a Cauzy's Inam; in North Arcot to the purchase of an Inam by Government when sold for arrears of revenue; and in Nellore to the reduction allowed on account of lands taken up for public purposes. The Collectors of Cuddapah and Tanjore have not explained the cause of the decrease, and will be called upon to supply the omission. The number of favourably assessed villages which contributed this revenue was 4,422.

	RS.
* 1. Kistna	7
2. Bellary	316
3. Trichinopoly	30
4. Madura	16
5. Tinnevely	1,080
6. Salem	2,314
	<hr/>
	3,763
† 1. Godavery	329
2. Nellore	22
3. Cuddapah	9
4. Chingleput	84
5. North Arcot... ..	20
6. Tanjore	133
	<hr/>
	597

34. **LAND REVENUE—Miscellaneous and variations therein.**—The revenue under this head, which accrues from a variety of sources, shows

	RS.	
Fusly 1281	37,52,481	an increase of Rupees 1,55,518 when compared with that of Fusly 1281.
" 1282	39,07,999	This is the net result of a gross increase of Rupees 2,83,544 in thirty-one items, and a gross decrease of Rupees 1,28,026 in nineteen items.
Increase...	1,55,518	The more important items which comprise the miscellaneous part of the Land Revenue are specified in the margin. Of these
Quit-rent on sundry Inams	12,76,141	
Water-tax on Zemindari and Inam, &c., lands	8,41,441	
Lands cultivated, but not included in the Jamabundy	3,42,034	
Revenue from rented villages	1,44,397	
Grazing tax or Grass rent	1,43,597	
Rent on Palmyra trees. Rent on islands situated in rivers	1,29,942	
Tax on trees on unas-sessed lands.	1,09,495	
Quit-rent and ground-rent in the Town of Madras	1,07,423	
	72,773	

the following items, when compared with those for the previous year, show an increase to the extent noted opposite to each.

	Increase.
	RS.
1. Lands cultivated, but not included in the Jamabundy ...	65,236
2. Rent of Islands situated in rivers	38,354
3. Grazing tax or Grass rent ...	22,407
4. Cultivation of Porumboko lands	13,110
5. Jodi on sundry Inams ...	9,430

The increase in item No. 1 occurs chiefly in the Districts noted in the margin. The increase in North Arcot is due to the extended cultivation carried on in some taluks subsequent to the settlement of those taluks which commenced early in the year. The increase in Chingleput is owing to the cultivation of the early crops having been very limited in consequence of the continuous heavy rains in the months of July, August, and September, and to the settlement of certain taluks having commenced earlier than usual. The increase in South Arcot and Nellore is unexplained, but it is probably due to the above causes. The increase in Item No. 2 chiefly occurs in the Godavery* District, and is due to many of the islands having been rented out for larger sums in consequence of the rise of the price of tobacco. The increase under Item No. 3 occurs chiefly in Nellore.† The Collector does not explain the cause. The increase under Item No. 4 is chiefly in the Kistna‡ District, and is unexplained. That in Item No. 5 occurs in Godavery§ and Nellore,||

* Rupees 39,588. † Rupees 23,149. ‡ Rupees 7,361. § Rupees 5,944. || Rupees 6,164.

and is due to charge made on account of the excesses in the areas discovered by the survey. The chief items of Land Revenue, Miscellaneous, in which there appears a decrease are those noted in the margin. Item No. 1 occurs chiefly in the Malabar District, and is due to the diminished sales of lands which have been oscheated to Government. Item No. 2 occurs in the Trich-

	RS.
1. Sale proceeds of escheat and waste lands ...	90,362
2. Concealed cultivation ...	17,486

and how much to other causes, and the following is the result:—

Revenue due to irrigation ...	201,35,083
Do. not due to irrigation ...	171,29,217
Do. with regard to which it cannot be ascertained how much is due to irrigation and how much not so due ...	82,40,831*

Total... 455,05,131

* 1. Permanently settled revenue ...	51,16,332
2. Quit-rent on Inam villages and minor Inams ...	19,18,322
3. Revenue of South Canara ...	12,06,177
Total...	82,40,831

Endeavours are still being made to ascertain how much of the revenue under Item No. 2 (Quit-rents) is obtained from irrigated lands, and the Board hope that they will be able to obtain the information next year. It is not necessary to notice here the particulars of each District regarding the revenue obtained from irrigation, as a separate statement containing that information will be submitted to Government in the Public Works Department.

38. LAND REVENUE, SPECIAL ITEMS—*Cultivation of special Crops.*—The extent of cultivation of sugar-cane, cotton, and indigo is shown in the subjoined abstract:—

DISTRICTS.	SUGAR-CANE.		COTTON.		INDIGO.	
	Fusly 1281.	Fusly 1282.	Fusly 1281.	Fusly 1282.	Fusly 1281.	Fusly 1282.
	ACRES.	ACRES.	ACRES.	ACRES.	ACRES.	ACRES.
Ganjam ...	4,648	3,820	10,196	6,288	102	1,112
Vizagapatam ...	6,865	9,579	15,409	17,582	3,345	6,946
Godavery ...	6,386	5,777	22,053	22,764	921	2,142
Kistna ...	.....	.....	261,301	263,303	32,600	40,592
Nellore ...	11	20	22,035	33,170	43,266	67,852
Cuddapah ...	2,938	2,384	80,624	97,167	48,860	59,052
Bellary ..	7,913	8,130	391,009	387,277	3,459	5,632
Kurnool ...	943	837	234,484	231,899	37,405	52,324
Madras ...	87	.....	.....	.....	.....	.....
Chingleput ...	36	66	72	38	15,347	17,381
North Arcot... ..	5,242	4,399	1,030	963	33,561	36,974
South Arcot ...	2,869	2,722	45,532	45,473	120,709	108,985
Tanjore ..	549	314	3,726	3,767	1,545	1,633
Trichinopoly ...	3,092	3,077	7,132	13,005	1,620	2,085
Madura ...	295	316	120,998	110,515	281	213
Tinnevely ...	278	204	250,705	287,813	771	804
Cuimbatore ...	2,429	2,483	142,237	178,660	.....	45
Nilgiris ...	.....	.....	.....	.....	.....	.....
Salem ...	1,717	1,535	8,540	8,559	1,794	2,653
South Canara ...	862	783	.....	32	.....	.....
Malabar ...	.....	.....	.....	.....	.....	.....
Total...	47,110	46,446	1,617,083	1,708,275	345,586	406,425
Government ...	26,867	25,990	1,031,761	1,083,273	276,625	314,926
Inam Lands ...	6,853	7,101	416,065	399,333	42,965	63,856
Zemindary Lands ...	13,390	13,355	169,257	225,669	25,996	27,643

39. Compared with the preceding year there was a slight falling off in sugar-cane cultivation, while in cotton and indigo there was a large increase. The decrease in the former occurs mainly in the Districts of North Arcot, Ganjam, Godavery, and Cuddapah. In Ganjam it is due to the damage caused by floods which covered the land, usually cultivated, with sand, and in the other Districts it appears to be owing to ordinary causes, the land cultivated with the

Cotton.		ACRES.	crop requiring rest. The increase under cotton and indigo is due both to the favourable season and to an improved demand for these products. The principal Districts in which there is an increase are named in the margin.
1. Tinnevelly	...	37,108	
2. Coimbatore	...	36,423	
3. Cuddapah	...	16,543	
4. Nellore	...	11,135	
5. Trichinopoly	...	5,873	
Indigo.			
1. Nellore	...	24,586	
2. Kurnool	...	14,919	
3. Cuddapah	...	10,192	
4. Kistna...	...	7,992	

40. LAND REVENUE.—Average Assessment per Acre.—Subjoined is the abstract statement showing the average rate of assessment per acre cultivated in each District:—

DISTRICTS.	DRY.			WET.		
	Extent.	Assessment.	Average.	Extent.	Assessment.	Average.
	ACRES.	RS.	RS. A. P.	ACRES.	RS.	RS. A. P.
1. Ganjam	107,836	1,38,186	1 4 6	178,141	5,16,324	2 14 4
2. Vizagapatam ...	49,957	53,416	1 1 1	24,256	1,28,007	5 4 5
3. Godavery	303,529	5,72,634	1 14 2	264,909	7,26,936	2 11 4
4. Kistna	1,452,849	20,93,743	1 7 1	169,867	6,68,349	3 14 11
5. Nellore	612,722	7,57,470	1 3 9	169,548	7,56,170	4 7 4
6. Cuddapah	1,141,183	8,71,898	0 12 3	102,279	6,99,468	6 13 5
7. Bellary	2,298,234	14,42,745	0 10 1	103,816	5,16,232	4 15 7
8. Kurnool	1,159,355	10,89,326	0 15 0	24,700	1,57,367	6 5 11
9. Madras. ... ..	.....	.....	.....	.....	.....	.....
10. Chingleput	188,408	2,73,657	1 7 3	256,140	9,57,005	3 11 9
11. North Arcot ...	396,383	5,56,059	1 6 5	189,845	10,93,811	5 12 2
12. South Arcot ...	815,384	13,95,671	1 11 5	269,619	14,46,730	5 5 10
13. Tanjore	249,005	3,11,459	1 4 0	716,649	35,20,016	4 14 7
14. Trichinopoly ...	689,680	6,67,977	0 15 6	129,768	5,47,695	4 3 6
15. Madura	653,211	8,57,544	1 5 0	139,613	5,89,776	4 3 7
16. Tinnevelly	884,362	7,30,781	0 13 3	158,098	15,56,232	9 13 6
17. Coimbatore ...	1,962,776	17,78,937	0 14 7	81,805	6,10,257	7 7 4
18. Nilgiris	47,638	24,984	0 8 4	40	90	2 4 0
19. Salem	1,085,138	12,55,850	1 2 6	85,753	4,83,711	5 10 3
20. South Canara ...	.....	.....	.....	.....	.....	.....
21. Malabar	393,952	6,16,427	1 9 0	386,610	11,64,489	3 0 2
Total...	14,491,602	154,88,764	1 1 1	3,451,456	161,38,665	4 10 10

NOTE.—Waste charged, second crop and additional assessment, and water-tax are not taken into account in the average.

In the Kistna and Godavery Deltas, the wet land is assessed as if it were dry land and the water is separately charged for. In the rest of the Presidency, a consolidated assessment is charged which takes the water-rate into account.

(To be continued.)

MISCELLANEOUS.

THE SHEEP OF THE MADRAS
PRESIDENCY.*

THE sheep belong to the family *Bovidae*—sub-family, *Caprinæ*—genus, *Ovis*—the specific scientific name being *Ovis Aries*.

Character.—Horns in both sexes, large, angular, heavily wrinkled, turned downwards almost into a circle, with their flat points directed forwards and outwards. No muffle; no beard; Chaffron convex; large but immobile eye, pits in some, wanting in others; small feet-pits in all feet; inguinal glands distinct; two mammae.—*Jerdon*.

The common sheep is subject to great varieties, like most of our domestic animals, but all merging into one known to naturalists as *Ovis Aries*; and the wild sheep is said to be met with still in parts of Upper India and Europe. Blyth, an eminent naturalist, considers the fighting ram of India to be descended from the *Ovis Vignei* (*Cycloceros*). The history of the sheep is co-eval with the creation of man, and it is frequently alluded to in the Scriptures and other sacred writings. The lamb is considered the emblem of innocence. The immemorial custom of the East is still continued in India, for the shepherd leads his flock. Sheep differ greatly in their form, size, coating or covering, and weight, in the different districts of this Presidency, these depending entirely on the climate, soil, and pasture-producing powers of the localities in which they are bred. The peculiar conformation of the mouth of the sheep, the lips being protected by hair, and the cleft in the upper lip enable it to take a good close bite, much closer to the ground than cattle in general; and, for this reason, the sheep can thrive even on scanty pasture. The sheep is too well known to need any particular description, as a whole; but, we shall first review the different breeds or varieties met with in Southern India generally, and with that view begin with the Nellore District.

Nellore.—This district is famed for its large breed of sheep. The sheep of this district is the tallest in Southern India: a good specimen stands across the withers thirty to thirty-six inches in height, about the same in length from point of chest to end of tail, and, when well-fed and fattened, will weigh from 80 to 90 lbs., when alive. It has the usual form of twisted horns of moderate size, with a slight Roman contour of the face, and is rather leggy and tall—the rams generally exceeding the ewes in height by two or three inches. The

prevailing colour is white or a light brownish-white with black points; the body is well covered with short fur (hair), with a light frill of hair frequently lining the throat and foreneck in the males. Some have two long rounded pendulous skins, from two to three inches in length, hanging side by side from the throat, which the natives term in Tamil "*munnie*," literally "*bells*." The hair about the posterior part of the thighs, from the tail to hook, is longer and thicker than in most other parts. The tail is short. The ewes are hornless. They are of the same colour: they milk fairly, and are good nurses. These sheep are active animals and make good travellers. The yearling lambs are brought to Madras annually in large numbers to be sold, and fetch, on the average, from 1 to 3 Rupees each. A number of old and barren ewes are also brought down for sale, realizing from 2 to 3½ Rupees each.

Good fat wethers or pet-rams, in fair condition, ready for slaughter, fetch from 5 to 7, and the very best 10 or 12, Rupees each. Many of this breed of sheep are tall and lanky with no body or carcase of any size to show, and will scarcely weigh from 50 to 60 lbs., (live weight); but some excellent specimens are occasionally met with, having shorter legs, with a good sturdy form and a compact flesh-forming carcase: these animals will weigh from 60 to 90 lbs., live weight. It is from animals of this form that natives generally select their pets; and in this respect some of them are excellent judges.

The Madras sheep is well known. It resembles a greyhound with tucked up belly, having some coarseness of form; the feet light; limbs bony; sides flat; and tails short. It seldom exceeds twenty-two to twenty-eight inches in height. The horns are confined to the rams only, which, when the animal is well-grown, are generally of fair size, having the usual twist. These sheep have slight Roman noses, and large ears in some instances, and small pointed ones in others. They are covered with short, coarse hair, the prevailing colour being red or brown, of which there are various shades, and many have the "*bells*" above-mentioned depending from the throat. The ewes are an inch or two lower than the rams; they make fair nurses and milk well. A variety of this sheep is sometimes met with, in which the rams are hornless, the throat and foreneck lined with a thick shaggy coat of hair, extending like a frill from the throat to the breast, and often reaching to the knees.

This Madras breed of sheep is found in the Chingleput, parts of the Kistna, Godavery, Ganjam, North Arcot, South Arcot, Salem, Trichinopoly, Tanjore, Madura and Tinnevely districts. The only difference in any of these districts is that, in some places, where there is

* By Surgeon-Major JOHN SHORTT, M.D., F.L.S., &c., Superintendent-General, Vaccination, Madras.

better and richer pasturage, the sheep may assume a better form, and they may even be an inch or two taller or shorter. With these exceptions, there is no other peculiarity whatever to be met with among this breed. In Ganjam and parts of the Godavery district I found the sheep mostly mottled, white and brown in colour. Neither the Madras, nor the Nellore breed already described, furnish wool or hair fit for textile purposes.

Coimbatore.—This district is famed for a breed of wool-producing sheep. They are, on the whole, a small breed, the rams seldom exceeding twenty-six, and the ewes twenty-two inches in height. The rams carry large twisted horns, whilst the ewes are hornless; the prevailing colour is white with a black head. Their carcasses have a fair covering of wool, the staple being from four to five inches in length. The fleece of the best sheep seldom exceeds 3 lbs. in weight: it is more frequently 1 or 2 lbs. These animals, though small, have good sturdy forms, and fatten well. The fat mutton they turn out is exceedingly rich and well-tasted; and, when the sheep has been gram-fed, the flesh has been pronounced by connoisseurs in such matters to be equal to English mutton. The sheep of this breed carry good, square, compact carcasses; and their weight ranges from 50 to 60 lbs., and very rarely 80 lbs., live weight. The rams fetch from 2 to 5 Rupees, and the ewes 3 Rupees each; but at the weekly fair at Coimbatore and other places, yearling lambs may be purchased at the average price of 2 Rupees or 3 Rupees apiece: but pet-rams in prime order realize from 5 to 10 Rupees each. This breed is generally imported into the Malabar district from Coimbatore.

Mysore.—A woolly breed of sheep exists throughout this province, which is fairly esteemed both for its mutton-forming and wool-producing qualities. The rams have large heavy horns wrinkled and encircled outwards, and their points inwards and forwards. The head is large and heavy-looking, with a prominent Roman nose. The ears are of moderate size and pointed, and the tail short, never exceeding 3 to 4 inches. The ewes are hornless. The prevailing colour is from a light to a very dark grey or black. The ram stands twenty-five inches, and the ewe twenty-three inches, in height. The ordinary live weight is from 40 to 60 lbs., but gram-fed wethers attain from 60 to 80 lbs. They have fairly compact carcasses with good width, prominence and depth of chest; the body is well woolled and rectangularly formed; in picked specimens, the counter is full, and the shoulder is fairly filled, when in condition. The fleece never exceeds 3 to 4 lbs. and the staple averages three to four inches in length. An ordinary sheep fetches from 2 to 3 Rupees in the market, fat wethers 7 to 10

Rupees each. This breed furnish the chief fighting rams of Southern India, for which purpose good picked male rams are sought after by native Rajahs, Zemindars, and others. They are much petted and pampered till they grow quite savage; they will butt and strike with their forefeet; and I have also seen, in one or two instances, a propensity to bite. They are pitted against each other, and large sums of money staked on the result. In fighting, they run a tilt by moving backwards some short distance, to add force to the impulse of their weight; and frequently in the fight, they have their heads or horns broken. These rams, from special selection and good feed, often attain thirty inches in height and over 80 lbs. in weight. Size does not necessarily ensure success in the battle, as I have seen the largest ram of the kind, I remember ever having met with, run away after a few tilts from one that was very much smaller. All the breeds of sheep in Southern India are pugnacious and reared to fight, the preference always being given to the black woolly breeds of Mysore or to those of Coimbatore. This breed extends from Mysore to Bellary, where, after a time, the wool frequently changes into long lank hair. Mysore also exports its sheep to South Canara. These are the chief breeds found indigenous in Southern India.

—As regards imported animals, a few of the *Heerates* or Persian sheep are frequently imported into South Canara by Arab ships, and they are sometimes brought to Bangalore and Madras as curiosities by Arab-horse dealers. These are varieties of what is known as the *Dumba* or broad, or fat-tailed sheep, the caudal extremity forming a huge lump or mass of fat. Their tails, however, frequently give trouble: if not attended to carefully and kept clean, ulcers form; and the parts get readily infested with fly maggots, so that the sheep eventually die. The mutton from these animals is said to be coarse. A pair I imported from South Canara in 1870 died of the *scab* as soon as they got to Bangalore; and a lamb from these died of the rot when one year old on moving it from Bangalore.

I have lately been greatly interested in a four-horned sheep imported into Madras by Colonel Macaulay, Commandant of the 37th Grenadiers. This ram had not only four horns but a fat tail also, which was small, pear-shaped, and pendulous. The ram is now dead; but the Colonel succeeded in obtaining from him a couple of lambs, male and female, by a Mysore ewe. The young ram had also four horns; and his sister had two horns, which is unusual, as ewes are generally hornless in this country. Both the mother and the daughter afterwards had lambs at their sides by the young ram. These animals have all died since this paper was written, except the ram and a male lamb, both

of which have four horns. I also have succeeded in getting a ewe lamb from the old ram now dead by a Nellore ewe. These sheep are large both in height and bulk of body, and are covered with a pretty good fleece of soft wool.

To return to the indigenous sheep of Southern India. The shepherd gives his sheep no particular care beyond that of pasturing his flock in the best grounds in his immediate vicinity. No native ever thinks of growing green food or of preparing fodder of any kind. In the day the animals pick up what they can from the pastures they are driven to; at nights their owners fold them in fallow fields or other open grounds, leaving the shepherd, with some three or four pariah dogs, to watch over them and to keep out intruding beasts of prey. The rams or tups are never separated from the ewes, nor does the shepherd ever think of weaning the lambs.

The ewes, as soon as they drop their lambs, are daily stripped of their milk. No selection is made as regards the serving tup being the largest animal, the preference being frequently given to the one with the greatest pair of horns, without regard to his size or conformation. Numbers of young rams also, from one to four years old, continue to roam among the flock. The shepherd never thinks of gelding his young rams; this operation being left to the butcher or others, who purchase a few and convert them into wethers with a view to subsequent sale. Ryots frequently purchase a lamb to make a pet of, but when it has grown fat, they sell it to the butcher. The mode of castration is conducted by drawing the testicles between two wooden rollers, that are tied together at one end, and passed between the scrotum and the abdomen of the sheep, when the other ends are tied. Against these the glands are pressed to break them, and then they are crushed into a pulp with the fingers. More frequently, both the glands are drawn between two pieces of a bamboo slit in two, and tied together at either end; and the glands thus tied are rested on a stone, and with a second stone they receive a strong blow which breaks them up within the scrotal sac. They are then pulped with the fingers; the part is smeared with a little cow-dung, and the animal is let loose. This operation is never practised till the sheep has shed either four or six of its milk-teeth and replaced them by permanent incisors. Frequently, the operation is never thoroughly completed; as a rule, a portion of one or both glands continues unabsorbed, and the sheep has thus not been fully emasculated. It retains much of its masculine form and its horns even may grow at the same time. I think this method of castration preferable to any cutting operation, as I have lost 50 per cent by the cutting process and have given it up as a hopeless job after trying the heated

iron, saw, ligature and clamps to divide the cord. On the twelfth day, to a certainty, the animals operated on get tetanus or lock-jaw, and are dead by the fourteenth or fifteenth day; any medical treatment proving of no avail whatever.

The native shepherd or proprietor of sheep never, as a rule, supplies his sheep with any artificial or other food, green or dry, beyond what the animals can pick up at the pasture-grounds; thus, during the dry season, they are frequently brought very low from the want of pasturage, and the "rot" attacks the flocks and kills a great many. During the north-east monsoons, flocks of sheep suffer much, the sharp east winds being inimical to their health, and thus numbers die. The shepherd never thinks of housing his sheep at nights at any time of the year; but he will, from practical experience, drive his flock to ground where he can take advantage of rocks, hedges, trees or houses in the vicinity, so as to protect them from the cutting east winds: he there folds them for the night on high and dry grounds; and, with this object in view, he resorts to all sorts of shifts. I don't believe that, as a rule, he obtains more than one lamb annually. According to my experience, I have invariably obtained three lambs in two years, and should the first lamb dropped prove to be a ewe, she produces a lamb before the end of the second year; and thus the produce is four instead of three lambs in two years. I have not seen twins yeanned in any part of India, except Orissa, in the vicinity of Cuttack, where a small breed of sheep is met with, which the natives call "*Dessai*," or country sheep; these, I believe, mostly yeand two lambs at a time. A ewe carries her young for five months.

There is a large meat-eating population in India, as, exclusive of Europeans, all Mahomedans and most Hindoos are mutton-eaters; and where procurable, the Mahomedans, and the majority of Hindoos, will eat meat daily when in a position to do so, in large towns; but to those resident in villages, it is a great luxury to have a meal of meat once a year, perhaps at the Pongul Feast, or when some vow is made and a sheep is offered as a sacrifice to some one of their numerous deities. This frequently occurs at the Dussera, or ten days' festival. Agnin, many natives, even in towns where meat is procurable in the bazaars daily, will only use it once a week, fortnight, or month. Goat's meat is more largely consumed than the flesh of sheep, and the majority of natives prefer size to quality, no matter how old and tough the animal, so that it is of large size. Sheep-mutton is procurable in most towns at 2 Annas the seer of ordinary, and 3 to 4 Annas the seer of fat, mutton; the native seer being nearly equivalent to 1½ lbs. avoirdupois. The

ordinary Indian sheep seldom exceeds 50 lbs. in weight, and the mutton ranges from 20 to 30 lbs. In most districts, a fairly fat sheep from the flock can be bought for 2 or 3 Rupees apiece; in the Madras sheep-market, at Perambore, any number of ordinary sheep can be purchased at prices varying from $1\frac{1}{2}$ to 3 Rupees; and fat sheep fit for the table from 7 to 10 Rupees apiece. The average weight of a good well-fed wether should be 60 to 80 lbs., when the mutton turned out ranges from 35 to 50 lbs. I fear few animals at present turn out a larger proportion of mutton; but it can be done if proper attention and feed be given to the animals. Any one who may have observed sheep at pasture must have noticed a certain amount of restlessness in them, and that they strike their feet on the ground occasionally. The natives believe this to be caused by a worm in the foot; and under that impression, they cut out the feet-pits of which mention has been made above, from both forefeet, and they pompously parade the excised portion as the *poochee*, or insect, without the extraction of which the animal is not supposed to fatten well. This operation is only practised on pet-lambs, but I have not seen any evil result from the practice.

The best breed of sheep indigenous to the country are the woolly varieties, which, however, are open to great improvement. With care, due selection, and attention to stock, the Coimbatore and Mysore breed of sheep can be got to produce both wool and mutton of a superior quality.

I have crossed the Madras ewes with the Merino ram and obtained some good lambs. The progeny showed all the make-of the carcass of a well-bred Merino: there was no wool; but a coarse mixture of wool and hair took its place. When I was leaving the district, I sent my little flock of twenty-five animals to Palmanair to a friend, but before many months they disappeared. I was told that the majority died, and that the others were eaten. I have now a half-bred English ram with which I am crossing the Madras, Coimbatore, Nellore, and Mysore ewes with a view to improvement; and the result has yet to be ascertained. I have a few promising lambs left; I kill the male lambs annually, and only retain the ewes. In breeding sheep great attention should be paid to the rams, as their influence is great, and their progeny, in a year, are very numerous. A well-cared-for ram will serve from sixty to eighty ewes and even a hundred, if he be not let loose among the flock to exhaust his energy. The ewes, when in season, should be held to him at his crib; and, in this way, he could be got to serve a much greater number of ewes without detriment either to himself or his progeny. It is a mistake to search for superior

gimmers or ewes to breed from. As the flock increases in number, the deformed, barren, and otherwise mis-shaped ewes should be weeded out, retaining only the best. The male lambs should be selected and separated from the flock, the best and most promising retained for breeding purposes, and the others converted into wethers and fattened off as they attain the age of about two years. It is a very simple matter to write down rules, but it is most difficult to carry them out in practice. The natives are so stubborn and obstinate in some of their notions, that it is difficult to get them at first to carry out orders without constant personal supervision; the master's eye should always be present, and he should look to everything himself. Few people in India ever take an interest in the improvement of the breed of sheep. All they care for is their mutton; and with that view they will get together a number of sheep of any breed and gram-feed them. In former years, before the present disorganization of native regiments took place, nearly every regiment supported a mutton-club; and frequently there was a station-club also in most districts; but those days are gone by, and a mutton-club now is a rarity.

The Madras sheep is not a bad animal to furnish mutton, and when it is crossed judiciously with either the Coimbatore or Mysore ewe, some first-rate animals are turned out. I have recently seen crosses between Nellore sheep and the woolly sheep in the Kistna District; between the Madras ram and the Mysore ewe in the Poonganoor zemindary; and between the Madras ram and the Coimbatore ewe at Sunkerydroog in the Salem District. These animals were of good large size and form, and were covered with a shaggy coat of hair and had very good carcasses; the only fault I had to find with them being that they were much too short in the body. By attention and due selection, improvements can be carried out in this direction also. Few people, however, care for such matters, and no permanent good can be effected by any single individual, especially as the stay of the few Europeans who take an interest in sheep-breeding, terminates in India with their service, and they are not pecuniarily interested in them. The day is distant, therefore, when intelligent and well-educated natives of the country will take an interest in sheep-breeding, and appreciate the advantage of high-farming and stock-feeding, growing special food, and maintaining good pasture-lands for their flocks and herds. This cannot be expected, I fear, when a good sheep from the flock can be had for 2 or 3 Rupees, having cost the shepherd nothing beyond the care necessary to protect them from the ravages of wild beasts and to prevent them from straying. Many of the country grains are exceedingly cheap, and, if cooked, would

form first-rate food for fattening sheep. My own personal experience, in this respect, is limited to the *varagoo*, *panicum*, *miliaceum*, or little millet and oil-cake either of the gingelly-seeds or ground-nut. Cooked food is very nourishing, and the animals partake of it with great relish; and it is, moreover, very fattening. I believe that during the season the little millet is the cheapest grain procurable in most districts, and, as regards green food, the *Aghati* is the best—*Aghati grandiflorum*, which is not only readily eaten by sheep, but possesses good fattening properties. I wrote a paper on the subject some years ago, which will be found among the Proceedings of Government. I much regret not having a copy of that paper as well as my inability to give its date. Natives generally use the *Aghuti*, Jack, and Peepul leaves to feed their pet-sheep with. The *Aghati* can be readily grown. It is now largely grown as shade-giving trees in every betel garden in Southern India. Sheep, in its semi-wild state, when first brought from the fold will not even eat cut-grass; but when tamed, the sheep becomes almost omnivorous and will eat all kinds of leaves, hay, grain, oil-cake, &c. All our domestic animals require to be taught to eat food they have not been accustomed to, or they will starve to death.

I have long been interested in endeavours to improve the indigenous sheep of the country; and, with that view, I have personally examined the sheep of every district in this Presidency. I have never visited Travancore, and cannot say anything about the sheep of that territory. In my opinion, first the Coimbatore, and second the Mysore, are the best breeds to improve. It is quite possible to improve both the mutton and wool of these animals; but, at the same time, it must be said that these sheep do not thrive in all districts. Under these circumstances, they should be crossed with picked sheep of the Madras breed, among which some sturdy animals with good carcasses are met with; and thus their mutton-forming qualities can be improved, while the value of the woolly breeds can also be improved both as regards their mutton and wool.

Sheep are delicate animals and suffer much from the heavy rains, and the north-east winds kill them readily if much exposed to them. They should be put under cover during the wet seasons; and during the hot dry weather, some green food should be expressly grown for them. Owing to the neglect they experience, sheep suffer from a variety of diseases in this country. The native shepherd knows of no treatment, nor does he understand the isolation of the sick from the healthy. He sometimes resorts to charms and incantations and ceremonies to remove the "evil eye." His two most

potent remedies are the hot or firing iron, and amputation of the ears. The hot iron is a panacea for most diseases; and, whilst admitting its efficiency in many diseases, yet, I think, the natives use it most unmercifully and unnecessarily. Amputation of a portion, or of the whole of the ear, is not a bad practise; but this remedy also is resorted to indiscriminately. It is not my intention to write an account of the diseases of sheep: but I may state that I have contributed several papers on the subject, all of which have been published in the Proceedings of Government. I may here casually refer to one, the most important, of a very common and prevalent disease at certain seasons of the year, known as the rot—*sheep rot*. I have given a very full account of the disease with cases and *post mortem* examinations, which will be found among the Proceedings of the Madras Government, Revenue Department, 13th July 1864, No. 219.

TOBACCO—ITS HISTORY AND CULTIVATION.*

(Continued from page 281.)

V.—AUSTRALIA.

IN Australia the cultivation of tobacco has been making great progress. The plants are grown in deep, loose, and naturally rich soil, to enable the young and delicate plant to sustain its rapid and luxuriant growth. Naturally rich lands are selected for the purpose, and when such is not available, artificial means are employed to secure a good crop. The rich alluvial flats in the vicinity of rivers and creeks are taken advantage of for the purpose, and it is from such localities that excellent returns have been obtained. Stiff clays on the one hand, and poor sandy soils on the other, should be avoided; the former being too retentive of moisture in wet weather, and apt to bake hard during the summer, whilst the latter needs too much manure to render it fertile, and is, besides, too dry. Medium soils will require much manure. Bone dust, guano, and stable manures have proved themselves to be highly valuable as fertilizers for tobacco fields. A proper spot having been selected, and, where necessary, improved by manuring, draining should then receive attention, as the tobacco plant suffers readily from excess of moisture, or stagnant water. The land should be ploughed up to a depth of eight or twelve inches, and the soil loosened by the subsoil plough, so as to loosen it thoroughly to a depth of eighteen or twenty inches, in stiffer kinds of soils. New lands should always be broken up a season before

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planting, and allowed to be in a rough state, and exposed to all the influences of the weather until the following spring, when a second ploughing will be found highly beneficial. All clods should be carefully crushed and the surface well harrowed and prepared for the reception of the plants. Whilst the land is under preparation, nursery beds have to be formed in some well-protected or sheltered locality, which is best dug by hand, and finely raked. It is advisable to erect a frame over these, so that they can be covered over with calico or branches during very hot or very cold and wet weather. Calico, though more expensive, is nevertheless preferable, as it also affords shelter against the often very heavy and continuous spring rains, which, if allowed to fall on the tender seedlings, might damage or, at least, retard their growth. The seeds are very fine, and two or three ounces are sufficient per acre. They should be thinly sown and but lightly covered with soil. The beginning of September appears to be the best time for sowing the main crop. A second sowing may be effected towards the end of that month or the beginning of October. The young plants, under favourable circumstances, appear above ground in about three weeks; they are allowed to grow undisturbed until they have made three or four full leaves, proper attention being paid to them in the meantime to water them if required, to handweed and thin the plants out if, by unequal sowing, they should be anywhere too thick. The plants having attained sufficient size, as stated above, advantage should be taken of dull and rainy days, during which they have to be transferred to their permanent places in the field. They are carefully lifted from the seed bed, so as not to break the tender roots, singled out and planted in the same manner as cabbage plants. Particular care is required in planting not to twist or damage the main or tap root, which should be dropped perpendicularly into the ground. If dry weather sets in after planting, the plants ought to be watered occasionally, until by their renewed growth they show that they are established. Four feet from row to row is generally allowed, whilst, except perhaps for very large growing varieties, a distance of three feet in the rows will be found sufficient. Planting operations may be carried on (during favourable weather) in November, and even up to Christmas; but early planting is always to be preferred, the plants being established before the hot summer checks their growth, whilst besides, a second, and in exceptional cases, even a third crop may be obtained from such plants. The latter, after they have made some fresh leaves, are earthed up at their base, and the space between them has to be kept loose and free from weed by occasional hoeing. Once established, they generally grow very luxuriantly, and form from eight to ten or

more leaves before the flower buds appear. These and all the lateral shoots, which may be formed, are carefully broken off as soon as they show. The plants thus require a frequent examination, which, even before, is necessary for the purpose of collecting and destroying a caterpillar which generally infests tobacco plants, and which, if not early removed, endangers the whole crop, as these pests will not only devour the heart of the plant, but also eat away large portions of the leaves already formed, rendering them thereby almost valueless. The leaves will, under proper treatment, rapidly increase in size and substance; their colour is fine dark green, and their freshness sufficiently denotes the luxuriance of the plant. By degrees, however, the leaves cease to increase, their colour becomes duller, yellowish spots make their appearance, and the best sign of their ripening—a gummy substance exudes from their surface and makes them feel sticky. Experience alone can guide us in regard to the proper season when the harvest should commence. Though it is not advisable to defer it too long, it is nevertheless better than to commence too soon, as the quality of the leaf depends, in a great measure, on its ripeness. In harvesting, the whole plant is cut off close to the ground, and allowed to remain there for about twelve hours. The evening or morning hours should be chosen for that operation, in preference to the middle of the day. The plants and leaves thus cut and exposed soon lose their stiffness and are less liable to be damaged in being brought to the drying shed. Arrived there, a slit is made in the thick end of the stalk, through which a thin rope or stake is pushed by means of which they are hung up to dry. The latter should be effected in the shade, and very slowly and gradually. If dried too rapidly, they do not get the proper colour, and greatly lose in quality and value. Six to eight weeks, or even more, are necessary for the drying process. All large plantations require special drying sheds, barn-like houses having windows provided with shutters, to regulate the admission of air, in the sides, and stages in the inside, on which the strings with tobacco are fastened. The tobacco is placed close together without actually pressing the single stalks against each other, which might cause their heating or getting mouldy. The green colour of the leaves gradually changes to a more or less dark brown; they become thinner and leathery, until at last, having thoroughly dried, they get brittle, and crumble to pieces if carelessly handled.

During damp weather, when they are less liable to be damaged, the stalks are taken down, and the leaves stripped off and assorted, all the worm-eaten and soiled or otherwise inferior ones being kept separate. The leaves are tied by their stalks in conveniently-sized

bundles, and packed up in baskets or otherwise made ready for market. Some growers submit the leaves previously to fermentation; but as this requires special attention and experience to determine when it should cease, or at least be interrupted, and as the value of the leaves greatly depends on the performance of this process, it appears to be much wiser to let it be performed by the manufacturer, whose business it is to prepare it for the various purposes for which tobacco is used.

The roots of the plants, which were cut down, soon send up several fresh shoots. The strongest one is selected and allowed to grow, and treated in the same manner as mentioned above, so as to secure a second crop, which generally is obtained from all the early planted plants. A third crop, though of inferior quality, may occasionally be produced, but this has rarely time to ripen sufficiently. The leaves of the latter, and the lateral shoots broken off during the growing of the first and second crops, may be mixed together to serve as sheep-wash or other inferior tobacco.—*Australian*.

VI.—INDIA.

In Behar, tobacco is cultivated to some extent. The ground is prepared by free ploughing, and the clods are well crushed and opened out frequently to permit the dew to act upon the soil, especially during the cold months of the year, when the dew falls very heavily. The land is often allowed to lie fallow for a whole year, being kept free of weeds and manured with the usual dunghill rubbish, consisting for the most part of cattle manure and wood-ash. The sowing season commences in the beginning of June. The seeds are put down in duly prepared beds, and, when the seedlings have attained a height of three inches above the soil, they are transplanted, and placed at a distance of eighteen inches from each other. The soil is kept free from weeds, and about the month of September the leaves attain maturity. The first crop is cut and thrown aside for curing, and the second crop allowed to succeed. The stalks, left on the field, push out new shoots, and from this the second crop is realized and prepared after the same manner as the first; the stalks are then allowed to run to seed.

The produce of a Begah* is equivalent to twenty maunds† from the first crop and fifteen from the second; sometimes a third and fourth crop are taken off successively, when the third yields ten, and the fourth five maunds. The

* One-third of an English acre.

† A maund in Behar is equivalent to 3,200 tolas or 3,200 rupees' weight.

price rises according to the season and demand.

1st sort	Rupees 3 to 5	per Maund.
2nd „	„ 2 to 3½	„ „
3rd & 4th sorts	„ 1½ to 2½	„ „

1. *Nagpore*.—The large and celebrated town of Bhilsa, situated in latitude 23° 35" north, and east longitude 77° 58", chiefly supplies the province of Nagpore with tobacco, and the cultivation is carried out much in the same way as at Behar. The soil is said to be a ferruginous, sandy loam, abounding in minerals, to which the tobacco owes its superior excellence; but, at Nagpore itself, it is cultivated in small patches for local consumption, when the backyard or compound of houses is the chief place brought under cultivation. At other times, this spot forms a receptacle for refuse of all kinds, wood-ashes, cattle manure, &c., &c., and at the time of culture, frequently receives a further supply of wood-ash and cattle manure.

2. *Orissa*.—In this province during the season almost every ryot cultivates tobacco in the backyard of his house, the culture being carried out in the usual way. I found during my travels in Orissa, tobacco extensively cultivated in small patches in every village, intended solely for individual or village consumption.

The Ooryas are great smokers, men, women and children smoke, using a leaf for a pipe, which they fill with tobacco and carry about their persons.

3. *Northern Division of Madras*.—Various villages in this division including the districts of Kistna, Godavery, and Ganjam are highly extolled as tobacco-producing places, the chief of which are along the low sandy flats at the mouths of the Kistna and Godavery. Tobacco is also cultivated on a small scale in the compounds of houses for village consumption. The town of Masulipatam is in this tract of country, where the renowned Masulipatam snuff is manufactured, and on the islands formed by the mouths of the Kistna, the soil is richly impregnated with iron, and frequently silted from the deposit of rivers, abounding in alkalies, to all of which the soil owes its fertility; the tobacco produced here is termed "Luuka." The mode of culture is the same as practised elsewhere, and the species is the *Nicotiana rustica*.

The seeds are sown in October and transplanted out in November or early in December, according to the growth and vigour of the seedlings as they attain a height of three to four inches. The ground into which the tobacco is lifted is generally of a red ferruginous, or white and gray soil, which is prepared by repeated ploughings with the free addition of manure. The seedlings are put out at about one foot apart, and watered from earthen pots by hand and not by streams as is usual in other

districts. The plants are stopped as soon as the blossoms begin to appear, and in February or March the crop is reaped by being cut from the stems at the level of the soil, when they are collected and heaped up on the field and covered with straw or palmyra leaves. They are taken up in the course of a few days and tied up in bundles and hung up to dry in a shed for a fortnight. They are then taken down, the leaves separated and tied into bundles of ten or fifteen leaves each. The bundles are again heaped up and covered with straw for three days, and this process of heaping and unheaping is carried out several times, so as to give the required colour and flavour to the tobacco, when it is ready to be disposed of to the merchant. At best, tobacco cultivation is looked upon as a laborious and precarious occupation.

4. *Coimbatore*.—In this district tobacco cultivation begins about the middle of August, and is continued to the same time in October; the ground selected for the nursery is well and repeatedly turned up by the mamooty, or is freely ploughed up and squared into beds of 4 × 4 or 4 × 6 feet, and into these beds, after they have been well manured by wood-ashes and dunghill rubbish, the seeds are sown at three or four successive intervals of about ten or fifteen days each, so as to secure a succession of seedlings. The seed is sown and covered over by the hand, and the beds are sheltered from the sun by being covered with cut bushes till the seeds sprout up fairly. They are freely irrigated daily for the first fortnight or three weeks, and then once in every three or four days, according to the season at the time.

The preparation of the field for the transplantation of the tobacco seedling also commences about the same period; it is not only freely ploughed and manured, but cattle and sheep are frequently folded on them to secure their droppings, and it continues to receive several successive ploughings till the plants are ready to be lifted out, when the soil is levelled, the clods crushed and divided into square beds of 4 × 4 or 6 feet, or into trenches of proportionate length and breadth.

The fields are now freely watered, and immediately after the plants are taken up carefully from the nursery, and put down into the soft mud formed by the water at distances of two feet apart, successively, according to the different sowings, and, generally, of an evening (the plants are transplanted). In about a month from the period of transplantation, the fields are freely weeded and the soil loosened with a hoe and heaped around the stems of the plants. About the end of the second month the plants will have attained a height of from two to three feet, according to the richness and fertility of the soil, when the terminal shoots are

broken off each plant to arrest their further growth. Each plant will then contain from ten to sixteen leaves. Care is now taken to break off the side shoots as they appear; and in four months from the date of transplantation, the crops will be ready for the sickle, when the plants are watered, and soon after cut down close to the surface and allowed to lie on the field till the next day. They are then taken up and tied into bundles by their stalks, and hung up about the hedges till the leaves become dry. In fair weather, this occurs in about ten days; but should the weather prove cloudy, it takes a fortnight. They are then taken up and heaped together and covered over with straw or cut-bushes, and weighted with stones for four or five days. After this they are stripped of their stalks, and the leaves tied into bundles by their leaf-stalks, and heaped up, covered and weighted for another five days; when they are again taken up and sorted, according to the different sizes of the leaves, tied into small bundles, and heaped and weighted for another five days; when the heaps are again opened out and re-packed and continued on for a further period of five days, by which time the leaves are said to be cured.

The produce of an acre is estimated at 500 lbs.

Tobacco from the taluks of Coimbatore, Palladam, Cheyoor, Danankencottah, Chinkaragherry, and Pullachy, is much appreciated by the natives as possessing superior qualities, and is exported to other districts. The villages in these taluks are situated in alluvial plains. Large quantities of tobacco from these places are exported to South Malabar and Trichinopoly; and in the last station, such tobacco frequently comprises the famous Trichinopoly cigars. The superiority of the tobacco produced in this district is, in a great measure, attributable to the richness and suitability of the soil for the culture of the plant, and to its being irrigated from wells containing much nitre, as well as to the fact that greater attention is given to the cultivation.

Tobacco deteriorates from scarcity of rain, or water from wells, cloudy or foggy weather, and easterly winds. Should the irrigation, at the time the plants are stopped, prove insufficient, the plants are injured by the roots throwing out a white fungus resembling asparagus, which is recognized by the natives as "*Cosilan*." This has the effect of arresting the further growth of the leaves and injuring the quality of the article itself; and, should the weather prove unusually dry, the leaves get spotted, a species of scald, which is recognized by the native name of "*Poryan*." This scald injures the plant materially should the weather prove sultry at the time the plants are stopped; or should the east winds continue to prevail, the leaves become

white and are completely spoiled. The blight is known by the term of "*Sambal*" in Tamil. The abolition of the monopoly of tobacco in Malabar in 1858 has been the means of extending this cultivation greatly in Coimbatore.

5. *Trichinopoly*, a town in the Southern Division of the Presidency of Madras, is greatly famed for its tobacco and cigars. The method of culture adopted is much the same as that pursued in other parts of India.

The tobacco in some parts of this district is known by the Tamil name of "*Samudali*." The soil selected for the purpose is alluvial, on the banks or immediate vicinity of rivers, or even tank beds, and is of a dark brown or blackish colour, frequently containing much silt. About the middle of October and November land is selected and prepared for the nursery. It is ploughed or well turned up with the mamooty, and manured freely with wood-ashes and dunghill rubbish. The ploughing or digging, according to the size of land, is now repeated several times, and the clods are crushed and divided into beds, 4 × 6 feet each, when the land is ready to receive the seeds.

The seeds are, owing to their minuteness, mixed with twice their bulk of ashes or fine sand, and are then scattered over the beds. The seed beds are watered by hand and covered over with straw, date leaves, or cut-bushes, for four or five days, and then removed. In the course of the week the seeds commence to sprout. The beds are daily irrigated till the plants are old enough to be transplanted. In the meantime the field, for receiving the nursery plants, is prepared and laid out, and the plants put out on attaining three to six inches in height at the distance of two feet apart. They are freely watered daily, the soil is freed of weeds and kept clean. When the plants attain the height of two feet, the tops are pinched off and the side shoots removed, as they appear—ten, twelve or sixteen leaves being left on each plant in proportion to their size, vigor, and luxuriance. About May or June the crop is ready to be harvested. The plants are then cut close to the soil in the afternoon and allowed to lie on the ground. The next morning, they are taken up and stacked into a heap with their stalks uppermost, and are covered with straw. At sun-set they are taken up and laid out again and exposed on the field to the night dews. This process is repeated for four or five days successively, and then the crop is removed to the ryot's hut, where it is suspended by a rope to dry in the shade till the stalks become dry, which takes about a month, when it is termed raw or uncured tobacco. The curing now begins: the tobacco is heaped up and covered over with straw or cocoanut leaves, and kept for a fortnight to sweat, when it is turned up so as to reverse the position of the plants, and so kept on for another fortnight,

when the leaves are sorted and made up into bundles.

6. *Tinnevely*.—In this district a blackish loamy soil is selected for the cultivation of tobacco, which is prepared and manured in the usual way, but sometimes it is grown in all sorts of soil except clay or sand. Seeds are sown in well prepared nursery beds and planted out into the fields at the proper time. The further cultivation or growth and cure of the tobacco is much the same as that practised in other districts. Palmyra jaggery water, mixed with a decoction made from the stalks of the tobacco, is frequently used to prevent brittleness, and to keep the cured tobacco leaves moist. The produce of an acre will average, in a fair season, from 900 to 1,200 lbs., the market value of which will be about 100 Rupees, at the rate of one *Pody* or 168 lbs. for Rupees 15-8-0; and the cost of production will be about Rupees 50 the acre, returning a profit of cent per cent to the cultivator.

7. *Cuddapah*.—Tobacco is cultivated in this in much the same way as in other districts. Garden soil of a light sandy loam is preferable: the richer the loam the greater the produce. The cultivation begins about the middle of June or July; and the usual process of free ploughing to the depth of ten to twelve inches, and removal of weeds, is carefully carried out; and the soil is allowed to continue fallow till required for planting. The manure is the same as that in use in other districts, the quantity used varying from twenty to thirty cart-loads to an acre. Cattle, sheep, and goats are penned in the ploughed ground at an average rate of three to four thousand head per acre, and the land is levelled smooth, and drawn out in trenches and ridges successively. On either side of the ridge the young seedlings are planted out at the distance of two feet apart either way, and are freely watered according to the season. The refuse from the indigo vats, when available, is strewn along the trenches as manure when the plants are about a month old, and the trenches are flooded to promote putrefaction and absorption of the elements to enrich the soil. The plants are stopped to the usual height and pruned of side shoots. When four months old, the leaves give evidence of approaching maturity by getting spotted with brown; and in the course of the next month or six weeks, these spots increase in size and depth of colour, when they are ready to be harvested. They are watered to render them succulent, juicy, and sweet, before being cut down. The subsequent treatment of the cut-tobacco is much the same as that practised in other districts for curing it. Good tobacco is of a dark greyish colour, and is sold by *Putties* of twenty maunds each, one maund being equal to 25 lbs. avordupois;

and a putty of 500 lbs. fetches from 35 to 45 Rupees in the market according to quality. Seedling tobacco plants are grown, as usual, in nursery beds and sold to ryots, who purchase and plant their fields with them: a square bed of 2 x 2 feet of growing seedling plants from 6 to 8 inches in height, fit for immediate transplanting, will fetch from 1 to 3 Rupees, and an acre would cost about 16 Rupees for seedlings to plant it with.

8. *Chingleput*.—In this district the cultivation of tobacco extends over a period of four months, and is carried out in the following manner. The seeds are sown in seed beds late in the month of December, and the tobacco is gathered early in April. The beds are square, and sometimes receive the seeds before and sometimes after being irrigated. They are carefully prepared for the reception of the seeds by free digging and turning up of soil, as small seeds like those of tobacco require a rich thoroughly prepared surface soil, to save the loss of a large proportion of seeds; for it is necessary that the soil next the seed contains the necessary supply to the plants as they sprout; consequently tobacco requires nursery beds: indeed it is difficult to grow them otherwise. A well sheltered locality is always chosen, a manure consisting of equal parts of wood-ashes and dunghill rubbish is thrown into the beds, and small narrow parallel trenches are then dug about a foot wide, with intervening ridges of the same breadth. When the seedlings have attained a height of from three to five inches, and have put out three or four leaves, which they do in about twenty days, they are ready for transplantation. The trenches are previously filled with water and the seedlings planted on the top of the ridges at the distance of fifteen inches from each other, and for the first three or four days are irrigated daily, after which irrigation is practised every second day throughout their growth. About fifteen or twenty days after transplantation, the weeds are scraped off the land, either with a cocoanut shell or an iron scraper. In about a fortnight after this, the soil is loosened and the weeds exterminated. Advantage is taken of this opportunity to complete the stand of plants by filling up the gaps left by the failure of some plants, and the accidental destruction of others, irrigation being practised as usual. At the commencement of the third month, a second hoeing or loosening of the soil, and a further extermination of the weeds, are practised; and some two or three days after this, the side shoots, which have begun to show themselves in the axilla of the leaves, are removed by being broken off; and about the end of the third month, when the stand of plants has attained a height of about two or three feet, the tops of the bushes and all superfluous leaves are pinched off, leaving to

each plant some ten or fifteen of the best shaped leaves. The plants throughout their growth are subject to attacks from caterpillars, which should be looked for daily the first thing, picked out, and destroyed. When the plants have become ripe, which they do at the end of the fourth month, the leaves become speckled, and frequently crackle between the fingers. At this period, if the plants have grown well and luxuriantly, the average size of the leaf is from twenty-five to thirty inches in length, and five to seven inches in breadth. The plants are then cut down, leaving a couple of inches of the stem in the ground, and are allowed to remain on the field to dry. In the evening they are gathered and stacked into a heap in some open place for the night. When the tobacco plants are cut down, the stumps left in the soil soon throw out fresh shoots; and these, if carefully weeded and watered, thrive well, and the produce thus obtained will realize one-third the value of the original crop. The tobacco from the second crop is greatly inferior to the first in quantity and quality; and, consequently, it deteriorates in the market.

The produce of one *cawnee* of land is about 350 *thooks* of tobacco, a *thook* being equivalent to 3 lbs. and 10 oz. avordupois weight.

The attendant expenses are:—

	RS.
For ploughing the land ...	14
„ Watering, weeding, &c. ...	15
„ Land rent ...	5
	<hr/>
	Rupees... 34

The value of the produce of one *cawnee*, viz., 350 *thooks* of tobacco, is estimated at 150 Rupees; from which, if we take 34 Rupees, and allow 16 Rupees for contingent expenses, a clear profit of 100 Rupees remains to the cultivator. The seeds are so minute and numerous, that three to six ounces suffice for planting a *cawnee* of land, the price of a pound of seeds being 8 annas. One tobacco plant produces 360,000 seeds.

(To be continued.)

THE REVENUE REGISTER.

No. 11.]

MADRAS:—MONDAY, NOVEMBER 16, 1874.

[VOL. VIII.]

MANUAL OF THE NELLORE DISTRICT—IV.

CHAPTER XX—*Administration of Justice, and Jails.*—This chapter opens with an account of the establishment of the Civil Court, and gives a list of the Judges who have successively adorned the Nellore Bench, commencing with Mr. Townsend, and ending with Mr. Cockerell. To this follow tabulated statistics of the cases filed, their results, and the number of executions. The District Munsiff's Court passes next under review, and then the jurisdiction of the Village Munsiffs and Panchayets. The first criminal jurisdiction in the district was amusingly small, the Zillah Judge having only power to award imprisonment for six months, and corporal punishment not exceeding thirty stripes with a rattan!! We learn that the district of Nellore is divided into four parts for magisterial purposes, and that there are in all twenty-four Magistrates of different grades. There is also plenty of information regarding Justices of the Peace, their powers and jurisdiction, the Revenue Courts and their officers. Nellore has seventeen Sub-Jails and one District Jail for the reception of prisoners, with a description of which the chapter ends.

Chapter XXI—*Administration of Police.*—This chapter commences with an account of the police arrangements under native rule and explains how, while the Imperial Governments kept large armies, they left the people pretty well undefended as regards the police. The villagers in consequence entered into an agreement with the robber-chiefs, in virtue of which they paid a sort of black mail, and were, in return, defended by their lawless protectors against other depredators. After the British assumption, the police arrangements were, of course, improved; but nothing really satisfactory was done until in 1860 Mr. William Robinson's Madras constabulary, modelled on the English County and Irish constabulary, was introduced into Nellore. The result of this improved system of police has been a very marked decrease in crimes of a violent character, especially dacoity, highway robbery, and robbery.

Chapter XXII—*Particulars of Revenue Administration.*—The chief source of revenue is, of course, the assessment of land, which is derived from the peishcush paid by the four Zemindars; the quit-rent charged on shrotriams, inams, and so on; the kist paid direct by land-holders to Government; the revenue of zemindary or shrotriam villages temporarily under Government management; and miscellaneous collections, such as

sivayi, jamah, and tirvajasti. Then comes a tabulated statement of the present maximum, minimum, and average rates of assessment in the nine taluks. These statistics are followed by a long and interesting paper on the salt revenue by Mr. Charles E. Plunkett, the Deputy Collector. He tells us that the salt monopoly was established by Government in 1805-6; that even under native rulers the manufacture and sale of salt had received considerable attention, and he quotes largely from a report written by the first Collector of Nellore, Mr. Travers, to the Board of Revenue. We find that the price originally fixed for salt was Rupees 70 a garce, and that after various fluctuations, it reached Rupees 240 a garce in 1869. The mode of manufacture and the sale of salt is too well known to need reproducing in this place. Short notices of Abkari and Stamp Revenue, Assessed Taxes, Local Funds, Registration and Postal Telegraph Departments close this chapter.

Chapter XXIII—*Public Works.*—The principal public work in the district is the anicut across the Pennair. The construction and maintenance of this work was attended with some difficulty, as the fall in the bed of the Pennair amounts to three feet a mile, and it is subject to sudden and violent floods. There is also some account given of the tanks and roads of the district, an itinerary of the Northern Trunk Road, Nos. VI and VII, from Madras to Hyderabad by Sulurpett, Nellore, Ongole, Nagarikul and Hytipaumla. A descriptive list of choultries and camping grounds most serviceable to intending travellers concludes the chapter.

Chapter XXIV—*Municipalities.*—The only municipality in the district is in the town of Nellore itself; there has been a proposal to establish a Commission at Ongole, but it has not yet been carried out. Nellore is built on the site of an ancient forest, and

it is said that the suburb, Durgamettah, now the residence of the European community, was once a large town called Simbapuram, so-called from the supposed existence of lions in the neighbouring forests. Connected with this is the legend that elephants brought to Nellore die in consequence of their rest being disturbed by dreaming of the lions. Nellore, like most other Indian towns, derives its name from a legend which runs as follows:—There is said to have been a Chief of the name of Trinetrudu *alias* Mukkanti Reddi, who had large herds. Among these was a cow into which the soul of a Brahmin woman was supposed to have entered. This cow had a revelation that Siva had appeared on earth in the form of a lingum, and the cow used daily to resort to this stone situated under a tree, Nelli Chettu (*Philanthus emblica*), and used to bedew the stone with its milk. Mukkanti is said to have observed the cow's loss of milk, and to have charged the herdsman with negligence or theft. The herdsman is said to have watched the cow, and noticed its proceedings, and when he saw it bedew the stone with its milk, it is said that he struck the stone with a sword when blood flowed from it. He reported what happened to Mukkanti, who is said to have had a vision in which he saw the lingum, and was directed to build a temple on the spot, which he did, giving it the appellation of Mulastana Iswara. The adjoining village received the designation of Nelliur, from Nelli, the name of the tree under which the lingum was found. The building of the Fort of Nellore has also its own legend. Roman coins were found near the town in 1787, and ancient coffins were discovered in the laterite quarried to build the anicut. The chapter contains notices of the Court House, Jail, Jail Hospital, Civil Dispensary, Poor House and Fund, the Church, Cemetery, Schools, and Municipal Commission, which last appears

to be a very active and intelligent one from the work it has done.

Chapter XXV—*Literature and progress of Education.*—Telugu, which we have often heard described as the Italian of the East, seems to have been for many ages a cultivated language. It is one of the Dravidian group, and for literary purposes is greatly intermixed with Sanscrit words. The earliest Telugu grammarian, of whom we have any record, appears to have been Kunva, who flourished in the reign of a king of Andra, of the Cholukiya family, some centuries, probably, before the Christian era. The celebrated Krishna Deva Rayalu was a great patron of literature, but many of the works composed in his reign were destroyed by the fanatic zeal of the Mahomedan conquerors. After a general notice of the high dialect used in literature, the Manual furnishes us with a list of no fewer than thirty-three Telugu poets who flourished in the district of Nellore. The present state of education in Nellore is, as is common in bucolic districts, backward, and there is apparently some difficulty in rousing the popular mind to the advantages of a better education.

Chapter XXVI—*Roman Catholic and Protestant Missions.*—The Roman Catholic Mission was, no doubt, the first in this field, having been planted there before 1776, about one hundred years ago. In 1848, when the Right Rev. Bishop S. Fennelly paid a pastoral visit to Nellore, he found the Catholic Christian population amounted to 1,184. Since that time a large proportion of the Catholic Christians who were cotton weavers have emigrated to Guntoor and other places, and have greatly reduced the numbers of the faithful. On the other hand, the converts from heathenism have been but few, and altogether, we fear, the Mission is not in a flourishing condition. The American Baptist Mission

was founded first in Nellore in 1840, and for the first fifteen years of its existence had to struggle against much opposition and great difficulties. Subsequently the affairs of the Mission took a more hopeful turn, no doubt, in consequence of the Missionaries offering medicine to cure the body as well as prayers and sermons for the good of the soul!! The Free Church of Scotland seems to have interested itself principally in the education of children, and we are glad to find that in that respect, at any rate, its progress is satisfactory. The remaining Mission, the Hermannsburg Lutheran, is as yet in its infancy, so far as Nellore is concerned; but we presume it is a vigorous infancy, as it already numbers eight stations and eleven Missionaries, and further operations are in prospect.

Chapter XXVII—*Histories of the Chief Families of the District.*—This chapter was chiefly compiled by Mr. J. A. Boyle from old family papers and the records of the district. It opens with a sketch of the Venkataghirri Rajah, who, it is said, can trace his family in an unbroken line for twenty-seven generations. A most romantic story is current concerning the family fortunes: we reproduce it in full. One Chevi Reddi, the founder of the house, who appears to have been a cultivator in a village called Anamallajallu, owed his success in establishing the fortunes of his family to the lucky discovery of a treasure of nine lakhs of Rupees which was disclosed in his field by the ploughshare. A sasanam, which was unearthed with the treasure, prescribed the performance of a human sacrifice by the person who should be so fortunate as to discover, and so bold as to claim, the prize. But this difficulty was removed by the devotion of Chevi Reddi's servant Recherla, who, with the most unpractical zeal, not only renounced all share in the treasure which he had brought to light, but offered

his life as the price of his master's fortunes. The only conditions Recherla imposed were that his own name should for ever take the place of Chevi Reddi's hereditary house-name; that Chevi Reddi's descendants should each and all bear the patronymic "Recherla;" and that to perpetuate the memory of their humble benefactor, no marriage should be celebrated in the master's family without the previous marriage of some member of the servants' caste. Certain it is that these conditions are all complied with at the present day, and it is now idle to inquire their origin. On the spot where the treasure was found a village was built bearing the name of the immolated "Recherla." The narrative then follows the fortunes of the Venkataghirri family, and we find them successfully resisting the tide of Mahomedan invasion, waging war with surrounding families and distinguishing themselves throughout the length and breadth of Telingana. One rajah, the tenth of the line, is prominent for his more peaceful conquests, his literary attainments and acquirements in the drama, rhetoric, logic and grammar. The whole story is most interesting; but we must hasten on, only remarking in passing that the later generations of the family have distinguished themselves by their close amity with the English Government, and have, in consequence, been confirmed in all their ancient honors, titles and dignities. The Calastray family comes next: it however receives only a brief notice in the Manual of Nellore, as it is considered to fall more within the province of the historians of North Arcot, in which district the Rajah of Calastray's estates are chiefly situated. We also find more or less graphic accounts of the Zemindars of Mutiyalpad, Sayidapuram, Udayagiri, Ongole, and the different Poligars of the district.

Chapter XXVIII.—The first of the purely statistical chapters gives us tabulated statements of all sorts of useful information, such as area and population, Government ryotwary lands, area of revenue survey, price lists, value of trade, administration of justice, progress of education, &c.

Chapter XXIX consists of statistics according to the forms of the Statistical Committee.

In conclusion, on closing this weighty *Manual*, we feel that we have wandered over an immense amount of valuable information, all the more valuable for practical purposes, from the trouble and care expended in reducing so much of it to regular statistics. At the same time, we admit that the Nellore Manual is more likely to be read in the Office than in the library, and will afford more acceptable food to statistically inclined officials than to the general reader.

HIGH COURT—MADRAS.

MORGAN, C. J., AND HOLLOWAY, INNES, AND KINDERSLEY, J. J.

Suits for rent—Regular, or Summary—Exchange of puttah and muchilka—Act VIII of 1865.

Where the questions referred were—1, whether a suit for arrears of rent should be dismissed unless the provisions of Section 7, Act VIII of 1865, had been complied with; and 2, whether the tender of a puttah after the expiry of the fasly to which it relates is a valid tender—

HELD, PER KINDERSLEY, J.—*The terms "no suit brought and no legal proceedings taken to enforce the terms of a tenancy" in Section 7 of the Act are sufficiently wide to include suits in the Civil Courts for arrears of rent. It would be of little use to insist on the exchange of puttahs and muchilkas, if suits could be maintained without them.*

PER INNES, J.—*Act VIII of 1865 is a consolidating Act. Up to the passing of this Act, the Courts were precluded from taking cognizance of regular suits for arrears of rent, except under the conditions of Section 9, Regulation V of 1822. Section 7, Act VIII of 1865, embodies the provisions of Sections 3 and 9, Regulation V of 1822. On a review*

of the precedent Acts, and on a consideration of their bearing on the question, Section 7, Act VIII of 1865 does apply to regular suits in Civil Courts. It embodies a pre-existing provision of the law, the object of which was in its origin, and still is, to force land-holders to enter into written engagements with their tenants.

PER HOLLOWAY, J.—*The key to the construction of this Act is the existence of two coincident processes, one called summary, and the other regular. Before Act V of 1822, the Zillah Courts alone were invested with two sorts of jurisdiction. Regulation V of 1822 gave concurrent jurisdiction to the Collectors with respect to the so-called summary suit. Section 9 was necessary to narrow this summary remedy to cases in which puttahs had been granted, tendered, refused, or dispensed with; and the same construction is to be put on Section 7 of the new Act as on Section 9 of the old; the Acts also being in pari materia.*

PER MORGAN, C. J.—*The words of Section 7 are comprehensive and embrace regular as well as summary suits. Under the Regulations of 1802, a Zemindar's suit in the Civil Courts for arrears of rent was liable to non-suit, and under the Regulation of 1822, to dismissal, if no puttahs had been granted. Act VIII of 1865, while repealing these Acts, declares that no suit for arrears of rent shall be sustainable unless puttahs and muchilkas have been exchanged, refused, or dispensed with. While Section 87 saves to landlords their remedy by suit in the Civil Court, it gives the condition under which that remedy can be enforced. Section 13 provides that all land-holders, under ryotwar settlement, &c., shall proceed under this Act, if they have taken a lease or agreement in writing from their tenants, and not otherwise.*

R. A. 131 of 1872.

Gopalsamy Mudelly v. Mukkee Gopalier and forty-one others.

THIS was a regular appeal from the judgment of Mr. E. F. Elliott, District Judge of Salem, who stated the facts of the case as follows:—

"This is a suit to recover Rs. 3,210-15-10, being the amount of jodi rent, including quit-rent and road fund, &c., with interest thereon due by defendants, the Agraramdars of Pattur, to the plaintiff, the Muttahdar, for Fuslies 1279 and 1280, in arrears; as also for subsequent interest thereon. Plaintiff states that the defendants are the Agraramdars of Pattur village in his muttah consisting of 38½ pungs and paying a yearly jodigay of Rupees 1,411-15-8 to Government, and are in the enjoyment thereof under an Inam Commissioner's puttah, No. 1282, which also provides that the defendants,

the Agraramdars, should pay the aforesaid rent to the Muttahdar; that, besides the said jodi rent, a yearly sum of Rupees 295 on account of quit-rent, and of Rupees 117-14-6 on account of road-fund are due to plaintiff by defendants under the takid of the Collector, No. 101, in arrears for Fuslies 1279 and 1280, and have not been paid by them as particularized in the schedule to plaint. The 7th, 8th, 9th, 10th, 17th, 18th, 25th, 27th, 29th, 30th to 32nd, and 37th defendants plead that this suit is not sustained in law, inasmuch as no puttahs and muchilkas have been exchanged between the plaintiff, the Muttahdar, and themselves in respect of these lands; and, therefore, the institution of this suit by plaintiff is illegal and contrary to the provisions of Sections 7 and 13, Act VIII of 1865, and the Rulings of the High Court. The Inam puttah and Collector's takid relied on by plaintiff do not provide for the payment of rents without an exchange of puttah and muchilka, which ought to be done according to law, and the takid in question was not given to plaintiff, nor is there any mention therein of the road-fund, the claim to which is illegal. Further, the judgments referred to in plaint can only apply to the fuslies to which they refer, and not to the fuslies now in question, nor have these judgments any reference to the present plaintiff. The thirty-third defendant pleads that he has been improperly included in this suit, as the 1½ pungs claimed are in the possession of the owners themselves, and also that the suit is not sustainable in law, as no puttah nor muchilka has been exchanged as required by law. He has been once before exonerated in a similar suit, Original Suit No. 144 of 1867, on the file of the Principal Sudr Ameen's Court, on his representing then as now that he had no substantial interest therein, and he files a copy of the judgment in the said suit.

The Court is quite of opinion that the preliminary objection holds good, and that the suit is not sustainable in law, because puttahs and muchilkas have not been exchanged between the parties to it as required by law, nor have they been mutually dispensed with by them, nor has a puttah been tendered and refused. Such an exchange, it appears to the Court, is imperative, and its absence without the fulfilment of any of the conditions which alone could justify it, must be fatal to this claim to recover arrears of rent, under the numerous High Court Rulings above quoted to that effect. The plea that the plaintiff is not a land-holder under Section 1, Act VIII of 1865, is utterly untenable, as the plaintiff himself knows, and cannot be accepted by the Court at all. The claim for rent must, therefore, be dismissed on this preliminary objection in law.

It is further argued for defendants with regard to plaintiff's claim for arrears of road-

fund that this Court has no jurisdiction in respect thereof, and that plaintiff is precluded from bringing a suit for the same under Section 13, Act III of 1866, for the levy of road-cess, wherein it is not competent to any Civil Court to entertain any suit for road-cess, and no special contract as to this is shown or pleaded by plaintiff. The Court considers it has no jurisdiction in this respect either under Section 13, Act III of 1866, and that this claim must be dismissed also, as no special contract is shown or pleaded.

For these reasons the Court dismisses the plaintiff's suit with one-fourth costs.

From this decree plaintiff appealed to the High Court on the ground that the Civil Judge was wrong in holding that the present suit could not be maintained by reason of the provisions of Madras Act VIII of 1865; that the plaintiff has no proprietary interest in the village in question, but is merely the agent of the Government for the collection of the quit-rent payable by the defendants to the Government. Subject to the payment of the quit-rent, the defendants have the whole proprietary interest in the village vested in them; that the defendants are estopped by the judgments marked C to F, from disputing the plaintiff's right to recover the quit-rent sued for, the matter having become *res judicata*; and that the plaintiff is not precluded by Section 13 of Madras Act III of 1866 from recovering the amount sued for on account of road-cess.

O'Sullivan for the appellants.

The High Court delivered the following

Judgment:—16th February 1874.

The questions referred for the opinion of the Full Bench were—

(1.) Whether a suit for arrears of rent should be dismissed unless the provisions of Section 7 of Act VIII of 1865 (Madras) have been complied with.

(2.) Whether the tender of a puttah after the expiry of the fusly to which it relates is a valid tender.

PER KINDERSLEY, J.—Section 7 of Madras Act VIII of 1865 provides that no suit brought, and no legal proceedings taken to enforce the terms of a tenancy, shall be sustainable unless puttahs and muchilkas have been exchanged, or unless it be proved that the party attempting to enforce the contract had tendered such a puttah or muchilka as the other party was bound to accept, or unless both parties shall have agreed to dispense with puttahs and muchilkas. The question is whether the prohibition contained in this section applies to suits brought before the Civil Courts for arrears of rent.

Section 87 of the same Act runs thus:—Except as hereinbefore provided to the contrary, land-holders and others shall be at liberty to file suits in the Civil Courts for arrears of rent or revenue due to them where they may see fit to do so. But in the decision of suits regarding rates of rent the Court shall be guided by the provisions of this Act.

The right to bring a suit before the Civil Courts for arrears of rent would seem to be a matter of course unless there should be some provision of law to the contrary. Section 87 just quoted points to some provision to the contrary in the same Act, and I conceive that it plainly points to the limitation of that right by Section 7 and by Section 13 which is the corresponding section having reference to leases granted by ryots to their tenants. It has been objected that, taking a comprehensive view of the history of legislation on this point, it would appear that Sections 7 and 13 apply only to summary proceedings before the Collector, and have no reference to suits before the Civil Courts; that the debates and proceedings of the Legislature show that it was not the intention to interfere at all with the jurisdiction of the Civil Courts; and that the final clause of Section 87 would be unmeaning because no question regarding rates of rent could arise where a puttah and muchilka had been exchanged. To take the last objection first, in the case supposed, the Court would follow Rule 1 of Section 11, which provides that all express contracts for rent shall be enforced; and it is clear that questions regarding the rates of rent might easily arise in cases where there had been a mere tender, or where there was an agreement to dispense with puttah and muchilka. I cannot, therefore, agree that the final clause of Section 87 would have no meaning if applied to the provisions of Section 7. It is possible, but, I think, not probable, that the exception at the commencement of Section 87 may relate to some section contained in the Bill as at first drawn, but struck out before the Bill passed into law. I did not think that this was made out by anything which was said in the argument, and I doubt the propriety of constraining an enactment by a reference to the debates and proceedings which led to it.

Then, as to the previous course of legislation, Section 40 of Regulation XXVIII of 1802 expressly provided that nothing contained in that Regulation should prevent land-holders or farmers of land or other persons vested with the power of distraint from prosecuting in the Zillah Court for arrears due to them. But by Regulation V of 1822, Section 9, suits preferred in the Zillah Court for arrears of rent where no puttah had been granted were to be dismissed with costs, unless it should be proved that a puttah had been tendered and

refused, or that both parties had agreed to dispense with puttah and muchilka. Thus, the restriction imposed by the Madras Act VIII of 1865, Section 7, was equally imposed by Section 9 of Regulation V of 1822 on the jurisdiction of the old Zillah Courts. Those Zillah Courts, I understand, were established under Regulation II of 1802, and were presided over by a Judge who was not the Collector. And Section 9 of Regulation V of 1822 does not seem to be affected by the previous Regulation IV of 1822 which expressly reserved the jurisdiction of the Civil Courts from the operation of certain Regulations of 1802. It did not reserve that jurisdiction from the operations of the following Regulation V of 1822. The terms "No suit brought, and no legal proceedings taken, to enforce the terms of a tenancy," appear to me sufficiently wide to include suits in the Civil Courts for arrears of rent. The reservation of rent being one of the terms of a tenancy, a suit for rent would be one to enforce that term. On looking through the old Regulations, I have been unable to find anything which satisfactorily shows that Sections 7 and 13 of the new Act do not apply to suits before the Civil Courts, and the words in their primary meaning plainly include such suits. It would have been of little use to insist on the exchange of puttahs and muchilkas, if suits could be sustained without them.

INNES, J.—The point contended for in R. A. No. 131 is that Section 7 of Madras Act VIII of 1865 has no application to regular suits in the Civil Courts, and that, consequently, suits for arrears of rent are maintainable in the Civil Courts without the exchange of puttah and muchilka, or the substitutes for that exchange which are required by Section 7 as essential preliminaries to the institution and prosecution of suits and other legal proceedings.

The Act is a consolidating Act, and it is desirable first to see how the law stood prior to the enactment.

Regulation XXVIII of 1802 is the first Regulation bearing directly on the question. The object of the Regulation was, as the preamble shows, to provide for the recovery by summary process of arrears of rent due to land-holders by their tenants, and to save the parties the expense and delay attendant upon law suits in the Courts.

The Regulation lays down rules for lawfully making distraint and sale of the property of a defaulter, and arrest of his person. There were subsidiary provisions also for the protection of the tenant from the abuse of the process so authorized. The injured tenant was to have damages from the wrong-doer, with costs of suit. Sections 3, 4, 6, 8, 9, 14, 15, 16, 17, 18,

19, 21, 25, 26, 29, 35, and 38, Clause 8, Section 13, also authorize an award of damages.

On the failure of the land-holder to realize the arrear by distraint, he was authorized to cause the arrest of the defaulter, and for this purpose to take certain proceedings before the Judge of the Zillah Court, and, in certain events arising out of these proceedings, the Judge was authorized (Section 34, Clauses 4 and 5) to make a summary inquiry into the merits of the case and determine whether the amounts claimed as arrears of rent were due or not, and to act in either behalf in the mode prescribed by Clause 5. In the former case the defaulter may be kept in arrest till payment; in the other he is to be discharged, with costs and damages payable by the landlord. The party against whom the Judge decided in this summary inquiry might institute a regular suit in the Court, and, if he established his case, might recover what would compensate him for the amount paid under the erroneous decision arrived at on the summary inquiry with costs of both proceedings. No appeal lay to higher Court from this decision. (Sections 35, 36, and 37). The Courts of Udalt were instituted only six months before the enactment of this Regulation. It is to be inferred from Regulation 2 of 1802 under which the Courts were established that it was not intended to exclude suits for arrears of rent from the cognizance of the Courts, and it is apparent from the preamble to Regulation XXVIII of 1802 that its object was to give land-holders the remedy by distraint and arrest as an *alternative remedy* to a regular suit, and Section 42 of Regulation XXVIII (evidently to obviate any misapprehension which might arise from the provisions of Sections 36 and 37) prohibits such a construction of the Regulation as would "prevent persons vested with the powers of distraint from prosecuting in the Zillah Court of Udalt for arrears due to them from under-farmers or ryots or their sureties." It goes on to say, "when they may prefer the mode of procedure in the Zillah Court to that of distraining personal property for the recovery of arrears, proprietors or farmers of land shall be free to do so." By Regulation XXX of 1802 "to the end" as the preamble declares "that cultivators and under-tenants of land may have the benefit and protection of determinate agreements," the exchange of puttahs and muchilkas is positively enjoined.

The provisions of XXVIII of 1802 which were originally applicable to permanently settled districts only, were extended by Section 6 of Regulation II of 1806 to all districts in which Zillah Courts may be established under this Regulation; and that portion of Regulation XXX of 1802 which enjoins the exchange of written terms of agreement between landlords and tenants is extended by Section 4, Regula-

tion II of 1806 to engagements of Collectors with ryots.

The injunction to exchange written engagements was plain enough, but no means were provided for compelling its observance, and it is easy to see that it would not be regularly observed except by the Officers of Government. Regulation V of 1822 declares that "the provisions of Regulations XXVIII and XXX of 1802, have been found insufficient for the due protection of the ryots," in whose interests principally, it is clear, Regulation V of 1822 was enacted. In pursuance of the recital in the preamble of the expediency of investing Collectors with authority "to take primary cognizance of all cases which under the provisions of those Regulations (XX and XXX of 1802), are cognizable by summary suit in the Courts of Udalt," it proceeds in Section 2 to transfer this authority to the Collectors, with certain exceptions. Section 9 enacts that "suits preferred in the Zillah Court for arrears of rent or revenue from under-farmers or ryots or their sureties where no puttah has been granted, shall be dismissed with costs, unless it shall be proved to the satisfaction of the Judge that a puttah had been tendered and refused, or that both parties had agreed to dispense with the use of puttah and muchilka."

Now, there is nothing in this section standing by itself to admit of any other construction being put upon the word "suits" than that it means ordinary suits, or as they are called in Regulation XXVIII of 1802, and in the preamble of this Regulation, 'regular suits' as opposed to 'summary suits.'

Now, the contention is that by the similar language of Section 7, Madras Act VIII of 1865, regular suits in the Courts are not intended, but if Section 9 of Regulation V of 1822 refers to regular suits, the provision which it is said the Legislature did not intend by the language of Section 7, Madras Act VIII of 1865, would, at least, be shown to have been the existing law up to the date of the enactment of that Act.

Now, is there anything in Regulation V of 1822, viewed as a whole, to favor the contention that any other than regular suits were intended in Section 9?

Section 2 of Regulation V of 1822 transfers to the cognizance of the Collector all cases which, under the provisions of Regulations XXVIII and XXX of 1802, were summarily cognizable by the Zillah Courts with exception of the cases referred to in Sections 35 and 40, Regulation XXVIII of 1802. No doubt there is, here, a reference to Sections 35 and 40 as sections which relate to summary suits, whereas the language of those sections "Regular Judicial investigation and decision in the

Courts of Udalt," "nothing contained in this Regulation shall be construed to prevent persons from instituting suits in the Zillah Courts of Udalt," "from prosecuting in the Zillah Courts of Udalt," renders it perfectly clear that the suits mentioned in those sections are regular suits. And in the absence of any express declaration in Regulation V of 1822; that the suits intended by those sections were summary suits, a natural construction must be attached to the language of those sections notwithstanding that Regulation V of 1822, Section 2, refers to them as relating to summary suits. It therefore comes to this, that the provisions of Regulation V of 1822 transferring to Collectors the cognizance of certain suits up to the date of enactment of that Regulation cognizable by the Zillah Courts, did not embrace the regular suits referred to in Sections 35 and 40 of Regulation XXVIII of 1802, the cognizance of which remained as before with the Zillah Court of Udalt.

If there were any ground for saying that these were, or were declared by the Legislature to be, summary suits, the further contention might, perhaps, not be without some appearance of foundation that the word *suits* in Section 9 has reference solely to the suits mentioned in the previous Section 2 as still left to the cognizance of the Zillah Courts, and, therefore, embraces summary suits only, and that the institution of regular suits is independent of the conditions which Section 9 requires should be complied with as preliminary to the institution of the summary suits referred to in it.

But even this, I think, would be a forced construction since there is nothing in Section 9 to qualify the meaning of the word *suits* used in it, which in its ordinary sense, would, of course, include regular suits.

It is apparent from the provisions of Section 8 which for the first time make the grant, or tender, and refusal of puttah, a prerequisite to the sale of property attached under Regulation XXVIII of 1802 for discharge of arrears of rent or revenue, that the Legislature had found that a sanction was required to the observance of the law enjoining exchange of puttah and muchilka. And there appears nothing, therefore, strange in the provisions of Section 9 in shutting out landlords from suing in the Zillah Courts for arrears of rent, except on the same conditions as those required before proceedings in distraint in the Court of the Collector, for arrears of rent could be rendered effective by sale of the attached property. I am, therefore, of opinion that up to the date of the enactment of Madras Act VIII of 1865, the Courts were precluded from taking cognizance of regular suits for arrears of rent except under the conditions of Section 9, Regulation V of 1822.

This is also in accordance with the view taken by the late Sudr Court in S. As. 58, 59, and 60 of 1857 and 412 of 1860.

Now Section 7 of Madras Act VIII of 1865 appears to embody the provisions of the two Sections '3,' and '9' of Regulation V of 1822. But it is argued, the section cannot embrace regular suits in the Courts, because if it did so, it would be inconsistent with the terms of a later section (Section 87). Now that section runs as follows.

Section 87—Except as hereinbefore provided to the contrary, land-holders and others shall be at liberty to file suits in the Civil Courts for arrears of rent and revenue due to them when they may see fit to do so. But in the decision of suits regarding rates of rent the Courts shall be guided by the provisions of this Act.

It is said if Section 7 be applicable at all to regular suits in the Courts, suits as regards rates of rent must necessarily be included in the term "suits to enforce the terms of a tenancy," used in Section 7. But here is a special provision that in the decision of suits regarding rates of rent the Courts shall be guided by the provisions of this Act, implying that this Act is not intended to govern other suits regarding rent which may be instituted in the Courts.

But this view of the question appears to me to be unsound. Let us assume for the sake of argument that the words "Except as hereinbefore provided to the contrary in Section 87" have reference, if not sole reference to the provisions of Section 7.

Then I see nothing to prevent the words, "But in the decision of suits regarding rates of rent the Courts shall be guided by the provisions of this Act" from being read consistently with the language of Section 7, though that language be held to apply to regular suits.

It is clear that, as respects suits for rent over which (although puttah and muchilka have not been exchanged) the Court has cognizance by reason of there having been a tender of a puttah, or an agreement to dispense with a puttah there may be a contention regarding rates of rent, the words "suits regarding rates of rent" may be read without violence as meaning suits involving disputes regarding rates of rent which is the exact expression used in Section 11 in reference to such suits before the Collector.

Now if this provision at the close of Section 87 were wanting in the Act, the Courts, in such cases, would not be bound to follow the directions of Section 11 as to the mode in which the proper rates of rent payable are to be ascertained in proceedings before the Collector.

The Collector, bound by the directions of Section 11, would be ascertaining and determining the rates of rent on the principles laid down in that section, while the Courts might be following principles of a totally different character.

If a contract for a certain rate of rent ("express or implied" as Section 11 has it) were shown to exist, no doubt, the Courts, equally with the Collector, would feel bound to enforce it; but it is not inconsistent with the circumstance of a puttah having been tendered, or with the existence of an arrangement to dispense with puttah and muchilka, that there may yet have been no contract express, or to be implied from the conduct of the parties, or, at least, that such contract in the terms alleged by the landlord, may fail to be established to the satisfaction of the Court. Then it is easy to see the enormous inconvenience that would arise if when driven to determine what is the proper rate of rent the Courts should proceed to act upon different principles from those laid down for the guidance of the Collector in such cases.

So that it appears to me that there is nothing in the closing provision of Section 87 inconsistent with the application of Section 7 to regular suits in the Civil Court.

Further, unless the words "Except as hereinbefore provided to the contrary" have reference to the prerequisites to the jurisdiction arising, which are specified in Section 7, it does not appear to what they can be held to apply as there is no other expression in the Act which expressly or impliedly excludes or limits the jurisdiction of the Courts.

I am of opinion, therefore, that Section 7 of Madras Act VIII of 1865 applies to regular suits in the Civil Courts, and that it embodies a pre-existing provision of the law, the object of which was in its origin, and still is, to force landlords to enter into written engagements with their tenants, an object which it is easy to see, must, if carried out, be of the utmost advantage to all parties, and the provision, therefore, not unnaturally, as it appears to me, finds a place in such a law.

I would, therefore, as regards Regular Appeal 131 dismiss the appeal so far as it relates to this point.

HOLLOWAY, J.—In my opinion, the key to the construction of this Act is the existence of two co-incident processes, one called summary and the other regular.

The scope of the Act seems to me to show the necessity of an interpretation restricting "the suit brought" and "proceedings taken" in Section 7 to suits and proceedings under this Act.

The purpose is the consolidation and simplification of laws already passed and the pro-

viding of a uniform process for the recovery of rent. The laws consolidated are those contained in the schedule, and it is, therefore, peculiarly necessary to see what their true construction was.

Before Regulation V of 1822 the Zillah Courts alone were invested with two sorts of jurisdiction. Regulation V of 1822 gave concurrent jurisdiction to the Collectors with respect to the so-called summary suits.

Act VII of 1839 shows that concurrent jurisdiction as still existing, abolishes the Native Commissioner who had hitherto been able to proceed side by side with the Tahsildar, and subjects to the proceedings of the Tahsildar *as to his executive functions* to the Collector only.

The preamble of Regulation V of 1822 shows to my mind very clearly the narrowing of the scope of the whole of the Regulation to cases falling without Sections 35 and 40 of Regulation XXVIII of 1802.

There were, therefore, still two tribunals with this so-called summary jurisdiction, and the intended alleviations of the tenant required the restriction of both. Sections 34 and 35 of Regulation XXVIII of 1802 are still in operation. The Zillah Judge might still proceed in his summary inquiry and arrive at his result which either party could still rip up and reverse by a suit regularly instituted subject to the ordinary rules of appeal (35 and 36). Section 9, therefore, became necessary in order to narrow this summary remedy, to cases in which puttahs had been granted, tendered, or refused or dispensed with. It seems to me clear on the whole scope of these Regulations and the construction of them according to their purpose, that Section 9 applies to these summary suits only. Be it observed that unless this was done all the previous provisions were futile for the Zillah Judge, under 2nd to 5th, might, despite those provisions, have put the offender in prison, and under Section 6 the property of the defaulter might have passed to the possession of the landlord.

This construction, therefore, gives to the words of Section 9 a perfectly intelligible object consistent with the reason and scope of the Regulation, while to give to it a general construction would be to depart from that declared scope altogether. The object was to take security that the summary procedure was not allowed to the detriment of the tenant. That security was not considered needed as to suits in the regular way; and, in fact, every one of these summary decisions was under the old Regulations, and continued under Section 10 of 1822, reviewable and reversible by a regular suit. I am of opinion that the process intended was not an appeal in the ordinary acceptance

of the word, but a regular suit, the same remedy as the old Regulations provided. I think, therefore, that the decisions of the Sudr Court (very few in number) both as to the extended scope of Section 10 and as to the proceeding being a mere appeal are not in accordance with the proper construction of the Act.

In the course of the argument I referred to Regulation IV of 1822, passed one week before Regulation V of 1822, construing the previous Regulations. I still think that that Regulation has an important bearing upon this matter. It declares explicitly that no definition of right was intended. Its effect I have elsewhere considered (III, H. C. R., 13).

If this Regulation had succeeded Regulation V of 1822 it would absolutely conclude the question, for, I apprehend, that one of the most important of a man's rights is the right of action. To declare the requisites to an action being brought is to define a right on one of its most important sides, to add a requisite, not pre-existent, is to limit it, to take it away altogether is to infringe it, and no one of these things was intended by the Regulations which were about to be amended. It would certainly be a strange departure from the logic as well as the practice of construction to extend the words of an amending Act without the smallest necessity to matters which the substantive Acts did not embrace at all. It would be still more singular if with the draft of Regulation V of 1822 already in their desks the Legislature had volunteered this declaration of intention—which they were about to violate seven days afterwards. Probably the exigencies of printing were the only reason for the Regulations not passing together. Whether they passed together or not, a long array of cases shows that, relating to the same matter, they can by no process be separated in construction. According to the English doctrine they could not have been if they had all been repealed (see *Duarria*, 568, seq.)

The conclusion seems to me obvious both upon legal logic and upon the cases. The whole array of these Acts is concerned with expeditious remedies, and the narrowing of rights is not embraced by them.

I put, then, the same construction upon Section 7 of the consolidating Act as upon Section 9 of the old. The Act is in *pari materia* with it. I should do so if the words were against it, but there are throughout this Act constant indications that the summary procedure is still the matter dealt with. The "hereinafter provided" of Section 87 is the most plausible argument that some restriction upon civil suits went before.

The answer, however, is, perhaps, that the summary jurisdiction of the Civil Courts was

meant to be preserved, and perhaps that it was put in to meet unforeseen difficulty.

The passage at the end, however, is a further proof of what seems to me obvious that all these Acts have a restricted operation. If it generally applied, why should the rates of rent be specified. The argument from isolated expressions in Acts made in the fashion to which we are accustomed is worth little, and I would not press it on either side.

THE CHIEF JUSTICE.—Various questions touching the construction of the Madras Rent Recovery Act VIII of 1865 arise in the several cases referred to the Full Bench. I do not find in the orders of reference that any of these are particularly mentioned as the questions which we are asked to consider; but from the course of the *confirmed* it became evident that the main controversy relates to the construction of Sections 7 and 87 of the Act. The former section enacts that no suit shall be sustainable to enforce the terms of a tenancy unless puttahs and muchilkas have been exchanged: by the latter section land-holders to whom arrears of rent are due are left free to sue for such arrears in the Civil Court "except as hereinbefore provided to the contrary." It is contended that the remedy by suit in the Civil Court is open to the land-holder although there has been no interchange between himself and the tenant of the writings enjoined by this Act.

I will consider, first, the question as it arises between the land-holders specified in the 3rd Section of the Act, and their tenants; and it will be sufficient for present purposes to describe the two classes of persons by the old terms of zemindars and ryots.

The Act of 1865 requires written agreements between these land-holders and their tenants, "the engagements of the land-holders being termed puttah, and those of the tenants being termed muchilka." Special provision is made concerning the several matters to be therein stated: their execution and registration is also provided for, and penalties are imposed on the land-holders for any unauthorized exactions in excess of the rent or charges specified in the puttahs. It is not necessary now to consider to what extent and for what purposes the relation of zemindar and ryot may arise and exist without the interchange of these writings, but it is certain that the remedy by suit and by legal proceedings under this Act will be wanting to the enforcement of the terms of a tenancy when the parties have not entered into these written agreements.

It is beyond dispute that these persons are absolutely deprived of all the remedies which the Act itself gives to enforce the terms of the tenancy, but it is argued that the words of the 7th Section refer only to such remedies: the

remedy by suit in the ordinary tribunal for the recovery of arrears of rent is, it is said, a thing apart, and a remedy which the land-holders have always enjoyed, and which is expressly saved to them by the 87th Section of the Act. But the words of the law are opposed to this argument. In many places this Act distinguishes between proceedings under the Act and proceedings in the ordinary Courts (see Sections 2, 13, 78, 86). In the section now in question there are no words indicating that remedies under the Act or any particular kinds of remedy were intended. On the contrary, the language is comprehensive, "no suit brought and no legal proceedings taken to enforce the terms of a tenancy shall be sustainable unless puttahs and muchilkas have been exchanged as aforesaid, or unless it be proved that the party attempting to enforce the contract had tendered such a puttah or muchilka as the other party was bound to accept or unless both parties shall have agreed to dispense with puttahs and muchilkas." Unless for strong reasons we should not be justified in limiting this plain and comprehensive language in the way suggested. But it may be said that the scope of the enactment itself requires some such limitation; that the Act as it is described in the title is for the most part a mere consolidation of former laws "which define the process to be taken for the recovery of rent;" and that this new law like the old Regulations which it supersedes, deals only with summary remedies, and has no application to the remedy by regular suit in the Civil Court. Let us see what was the state of the law before the enactment of Act VIII of 1865. The list

- * XXVIII of 1802.
- XXX of 1802.
- II of 1806-5-54 & 6.
- V of 1822.
- I of 1826.

of repealed Regulations* given in Section 89 shows the laws which the Act displaced and which it professed by its title

and preamble not only to consolidate but also to simplify and improve Regulation XXVIII of 1802 after reciting that it was "necessary to the punctual collection of the public revenue that land-holders and farmers of land should have the means of compelling payment from defaulters without being obliged to have recourse to the Court of Judicature, and incurring the expense and delay necessarily attending a law process for the recovery of arrear of rents or revenues" gave to proprietors and farmers of land various stringent and summary remedies by distress, attachment, and otherwise for the recovery of such arrears.

Ry another Regulation* enacted the same time the Government was authorized to make a permanent settle-

* XXV of 1802. ment of the land revenue and to grant by deed proprietary right "to all persons being or cou-

stituted to be zemindars or proprietors of land." By the 14th Section of this Regulation which has in no part been expressly repealed zemindars are required within a reasonable period of time to grant to each ryot a puttah.

Regulation XXX of 1802 prescribed the kinds of puttahs and muchilkas to be exchanged between land-holders and ryots, and provided some remedies for the breach by either party of its enactments. But the Legislature of that day while clearly indicating in the two Regulations just mentioned, the importance it attached to the interchange of the written engagements both for the security of the cultivators and the prevention and settlement of disputes made very ineffectual provision for the enforcement of the interchange of these written engagements. The land-holder who disregarded the injunctions of the law was nevertheless in a position to assert all the summary remedies which the Regulation XXVIII of 1802 gave to him. In one case only did his omission to grant a puttah affect his remedy for the recovery of his rent. By the 6th Section it is provided that "in the event of claims being instituted by proprietors of land on engagements in which the rents or revenues may not be consolidated in a puttah, such claimants shall be non-suited, with costs, before the Udulut of the Zillah; from and after the expiration of two years, subsequently to the time when the permanent assessment of the land revenue may have been fixed."

It is from this clear that the legislation of 1802, however defective in other respects, imposed this penalty of non-suit on the land-holder who, without having granted a puttah to his ryots, sought his remedy for arrears of rent by suit in the ordinary Courts.

After an experience of twenty years which abundantly showed the inefficacy of the Puttah Regulation of 1802 to effect the object in view, Regulation V of 1822 was passed, by which Collectors were authorized to take primary cognizance by summary process of many of the matters which by Regulations XXVIII and XXX of 1802 were cognizable by the Zillah Courts (though not summarily cognizable as the new law erroneously assumed). In one case (see Section 34, Regulation XXVIII of 1802) in which a summary inquiry by the Judge was expressly directed by the Regulation of 1802, the language of the later Regulation (Section 6) and of Act VII of 1839, seemed to show that the Civil Court retained in this instance its summary jurisdiction. Whether it did so or not, I can find in the reports no trace of the exercise by the Courts of this summary jurisdiction. With this exception, if exception it be, the jurisdiction of the Courts in cases under the two Regulations was transferred to the Collectors; and there remained to the former the undoubted jurisdiction which they always possessed of adjudicating in the form of regular

civil suits upon claims by land-holders for arrears of rent. Two important clauses were enacted to promote the granting of puttahs—no property attached under Regulation XXVIII of 1802 for arrears of rent, could be sold, unless puttahs had been granted or tendered and refused; and no suit for such arrears could be maintained where no puttah had been granted. The words of the 9th Section are clear—"Suits preferred in the Zillah Court for arrears of rent or revenue from under-farmers or ryots or their sureties where no puttah has been granted, shall be dismissed with costs, unless it shall be proved to the satisfaction of the Judge that a puttah had been tendered and refused, or that both parties had agreed to dispense with the use of puttah and muchilka." This language sufficiently clear in itself, is supported by the distinct declarations of the intention of those who at that time, had full authority to instruct their representatives in this country to enact such laws as they deemed expedient. I mean the Court of Directors of the East India Company.

In a despatch to the Governor in Council at Fort St. George, dated the 29th April 1814, the following passages occur, "We cannot pass by this opportunity of re-calling to your attention the observations contained in our Revenue letter of the 16th December 1812 as to the enforcement of the Regulations concerning puttahs: a strict observance of that Regulation would tend, we are convinced, equally to the benefit of the land-holders and their tenants: by rendering their respective rights and obligations more certain it would facilitate the adjustment of disputes concerning rent or cultivation, and would thereby operate as an additional relief to the Courts of Justice. We trust that in consequence of our former reference to this subject, it has already occupied your attention. * * * * * The Puttah Regulation duly observed would afford the best safeguard against oppression, and would have the effect of preventing in a great degree those disputes respecting rent, by which the country is so frequently disturbed. The enforcement of it is a concern of Government, and the means of carrying it into execution ought to be secured by an adequate process. The superintendence of this matter naturally falls to the Collector, in his Magisterial capacity, whose duty it should be, with the assistance of the Native Officers under him, to take cognizance of any breach of this Regulation, whether by the refusal or neglect to grant puttahs. No demand of a Zemindar, &c., for arrears of rent should be receivable in any Court but on a puttah, nor should he be at liberty to proceed to sell under distress without an order from the Collector founded (if that should be necessary) upon a report from the Pottail or Tahsildar, and the Village and District Panchayat

respectively. The Commissioners, Colonel Monro and Mr. Stratton, who proposed this Regulation, in submitting it to the Government, say, while commenting upon this section, "the Court of Directors having required that no demand of a Zemindar, &c. for arrears of rent should be receivable in any Court but on a puttah (paragraph 107); we conceive that the provisions of this section which prescribes that such suit shall be dismissed with costs when not founded on a puttah, unless it be proved that a puttah had been tendered and refused will meet the views of the Honorable Court." •

The language of the law and the previous intentions thus plainly declared of its framers and promoters, thus appears to admit of no doubt. A Zemindar's suit in the Civil Court for arrears of rent was liable to non-suit under the Regulation of 1802, and to be dismissed with costs under the Regulation of 1822 if no puttah had been granted by him. The Act of 1865 having repealed these Regulations, proceeds itself to declare, as we have seen, that no suit brought to enforce the terms of a tenancy shall be sustainable unless puttahs and muchilkas have been exchanged—and while saving by Section 87 to land-holders and others, their remedy by suit in the Civil Court for arrears of rent, it gives the condition under which this remedy is preserved in the words at the beginning of the section, "Except as hereinbefore provided to the contrary," words which suffice, and which were, I presume, meant to refer to the preceding provisions concerning puttahs and muchilkas.

The result, in my judgment, is, that suit for arrears of rent by zemindars and other land-holders mentioned in Section 3 of the Act cannot be maintained in the Civil Courts unless puttahs and muchilkas have been exchanged or unless there has been such a tender or dispensation as is contemplated by the section.

The question arising between other land-holders and their tenants is different, because the language of the Act is different. It is provided (Section 13) that "all land-holders under ryotwar settlements or in any way subject to the payment of land revenue direct to Government, and all other registered holders of land in proprietary right, shall be authorized to proceed under this Act for the recovery of rent, if they have taken a lease or agreement in writing from their tenants specifying the rent to be paid to them, but not otherwise."

The effect of this section is to give to the land-holders therein mentioned all the summary remedies of the Act for the recovery of arrears of rent if they have taken a written agreement from their tenants, but not otherwise. If the land-holder omits to take a written agreement, his remedies *under the Act*, are wanting, but his right of suit in the Civil Court remains as it was before.

CIRCULAR ORDERS OF THE BOARD OF REVENUE.

No. XXXII.

STANDING No. 391-8.

NOMINATION, TRANSFER, DISMISSAL, AND PROSECUTIONS OF TAHSILDARS TO BE SUBMITTED TO GOVERNMENT THROUGH BOARD.

Proceedings of the Board of Revenue, dated 9th September 1874, No. 2,542.

NOMINATIONS to the post of Tahsildar and Deputy Tahsildar, whether the appointment is 1874, No. 920. temporary or permanent, must be submitted through the Board for the sanction of Government. No reference to the Board is needed when a Taluk Sheristadar is appointed, but the usual application for magisterial powers must be made direct to Government.

2. Proposed transfers (involving a reduction of salary) or suspensions of Tahsildars must be reported for the orders of the Board, but no reference to higher authority should be made when a Collector thinks it desirable to transfer or suspend a Deputy Tahsildar or Taluk Sheristadar.

3. Proposals to dismiss Tahsildars or Deputy Tahsildars must be submitted for the orders of Government through the Board, but Collectors may dismiss Taluk Sheristadars on their own authority, reporting that they have done so to Government, in order that the sanction given to their employment as Magistrates may be revoked.

4. Prosecutions of Tahsildars or Deputy Tahsildars for acts done as public servants either in their Revenue or Magisterial capacity must be previously sanctioned by the Board or by Government (the recommendation being submitted through the Board) as the case may be, but previous sanction for the prosecution of a Taluk Sheristadar is not required, unless the offence charged is alleged to have been committed by him in his Magisterial capacity when a reference must be made to the Board, or if necessary through the Board to Government.

5. If the alleged offence for prosecution on account of which previous sanction is required, is one purporting to be done in the discharge of duty, *e. g.*, if a Tahsildar is said to have passed a corrupt decision, the sanction of Government is necessary. If it does not purport to have been done in the discharge of duty, *e. g.*, if a Tahsildar is said to have demanded or received a bribe or extorted money, the sanction of the Board will be sufficient.

No. XXXIII.

STANDING No. 230-3.

ORDER REQUIRING SPOILED STAMPS TO BE SENT TO SUPERINTENDENT CANCELLED.

Proceedings of the Board of Revenue, dated 15th September 1874, No. 2,623.

So much of Board's Standing Order, No. 230-2, as prescribes that spoiled stamps and stamps damaged in store shall be forwarded to the Superintendent of Stamps for destruction is cancelled.

G. O., dated 9th July 1874, No. 856.

No. XXXIV.

STANDING No. 277-1.

SCALE OF PROCESS SERVICE FEES.

Proceedings of the Board of Revenue, dated 2nd October 1874, No. 2,845.

THE following Scale of Process Service Fees should be adopted in all Revenue Courts in accordance with the orders of Government in the Judicial Department, published at page 1,005 of the *Fort St. George Gazette* of the 30th June 1874:—

No.		In a District Munsiff's Court or Subordinate Revenue Court.			In every other Civil or Revenue Court.		
		RS.	A.	P.	RS.	A.	P.
1	Summons or Notice to Defendant or Respondent ...	0	8	0	1	0	0
	And for every additional Defendant or Respondent if applied for at the same time and if Defendant resides in the same neighbourhood ...	0	4	0	0	8	0
2	Summons to a Witness ...	0	8	0	1	0	0
	And for every additional Witness if applied for at the same time and if Witness resides in the same neighbourhood...	0	4	0	0	8	0
3	Warrant of Arrest ...	1	0	0	2	0	0
4	Proclamation of Attachment or the Process for Sale ...	1	0	0	2	0	0
5	Warrant of Attachment of movable or immovable property, according to the value of the suit if applied for before judgment, or the amount decreed in respect of which execution is sought—						
	If the value or amount does not exceed 50 Rupees ...	0	12	0	1	0	0
	Exceeds 50 Rupees but does not exceed 100 Rupees ...	1	0	0	2	0	0
	" 100 " do. 500 "	2	8	0	4	0	0
	" 500 " do. 1,000 "	4	0	0	6	0	0
	" 1,000 " do. 2,500 "	6	0	0	7	0	0
	" 2,500 " do. 5,000 "	.....			8	0	0
	" 5,000 " do. 10,000 "	.....			10	0	0
	" 10,000 " ...	.....			12	0	0
6	Warrant of Delivery of possession of property, movable or immovable—						
	If no attachment has taken place ...	The fee for attachment of said property.					
	If attachment has taken place—						
	For movable property ...	0	12	0	1	8	0
	For immovable do. ...	1	8	0	2	8	0
7	Warrant of Sale of movable property—						
	If conducted at the Court-house ...	0	4	0	0	8	0
	If not conducted at do. ...	1	0	0	2	0	0
8	Warrant of Sale of immovable property—						
	If conducted at the Court-house ...	0	8	0	1	0	0
	If not conducted at do. ...	2	0	0	4	0	0
9	Injunction, Order, or Notice not otherwise provided for ...	1	0	0	2	0	0
10	Any Process in execution of a Decree of a Village Munsiff.	0	4	0	.....	

- N. B.*—(1.) When it is found necessary to employ more than one Amin or Peon (as, for instance, where property is situated in different places), a separate fee is to be charged for each individual employed.
- (2.) When a Warrant remains unexecuted for seven days after its delivery to the officer entrusted with its execution, an additional fee, at the rate of 6 Annas per diem, is to be levied from the party at whose instance the Warrant was issued for every officer of the Court employed until return is made, provided that the delay in executing the said Warrant is not attributable to the officer of the Court.
- (3.) If the process for attachment and sale are issued simultaneously the proper fee for the former process only is to be charged.
- (4.) Under Section 8, Act XXIII of 1861, the lowest rate for serving a process shall be deemed to be, as heretofore, 4 Annas per diem. A week's batta is to be deposited in advance and renewed at like intervals.
2. Where, in addition to the fees payable under the above scale, ferry charges have to be incurred, or special expedition is required in the service of any process, the party at whose instance the process is issued shall pay a further fee equivalent to the actual cost of the ferry charge, or the actual cost of travelling by rail, boat, or cart, as the case may be.
3. Where any process has to be served in another district than that in which it is issued, no extra charge shall be made for postage.
4. The salary of Amins employed in Collectors' Courts shall be Rupees 14 per mensem and of Amins employed in other Revenue Courts Rupees 12. In exceptional cases batta may be allowed in addition to the fixed salary with the previous sanction of the High Court.
5. Peons employed as process servers in the Collectors' Courts shall be paid Rupees 7 per mensem and those employed in other Revenue Courts Rupees 6. In exceptional cases batta may be given in addition to the fixed salary with the previous sanction of the High Court.
6. The number of process servers fixed by the Collector for his own office and the offices subordinate to him shall be so fixed that the cost of the establishment may be at least

covered by the amount of fees levied on the processes served and executed by them. It shall be reported to the Board of Revenue in the first instance for confirmation and shall be altered from time to time as they may direct, and it shall not be increased without their sanction; but the Collector shall have power to transfer process servers from one office to another within his jurisdiction as experience may dictate, and, when convenience requires that processes issued by one officer shall be served by the process servers attached to another, they may be served accordingly.

No. XXXV.

STANDING No. 370-5.

U. C. OFFICER APPOINTED TO ANOTHER OFFICE
TO PROCEED AT ONCE.

*Proceedings of the Board of Revenue, dated
3rd October 1874, No. 2,869.*

WHEN an Uncovenanted Officer is gazetted G.O. dated 22nd to another office, and no special instructions are given, he should give over charge directly on his receipt of the Gazette, and proceed at once to take up his new appointment.

2. The Collector or Sub-Collector should make such arrangements as may be necessary. Temporary arrangements can always be made immediately.

No. XXXVI.

STANDING No. 274-3.

ARREARS OF REVENUE DUE ON TRANS-
FERRED LANDS.

*Proceedings of the Board of Revenue, dated
13th October 1874, No. 2,971.*

GOVERNMENT having decided that it is undesirable that lands transferred by a registered holder, however informally, to another party,

G.O., dated 8th September 1874, and on which no arrears No. 1,150. are due, should be sold for arrears of revenue due

by the registered holder on other lands which are not brought to sale, Collectors are requested in future not to sell lands in possession of alienees, until all the other lands and property in possession of the registered holder are first sold, unless the arrear due is caused by the default of the alienee.

2. Whether the lands to be sold are in the possession of the registered holder or not, and whether the arrear is due by the registered holder, or by the alienee on the portion alienated, should be ascertained by local inquiry.

OFFICIAL PAPERS.

REVENUE SETTLEMENT AND COLLECTIONS—
MADRAS—FUSLY 1282.*Proceedings of the Madras Government, Revenue
Department, 23rd June 1874.**(Continued from page 310.)*

41. EXTRA SOURCES OF REVENUE.—The results of the revenue from land having been discussed in the foregoing paragraphs, the other sources of revenue will next be reviewed. The extra sources are six in number:—

1. Excise on Spirits and Drugs (Abkari.)

2. Income-tax and License-tax.
3. Salt.
4. Sea Customs.
5. Land Customs.
6. Stamps.

42. The revenue from each of these sources for the present and previous fuslies are compared in the following abstract. The result is a net decrease of Rupees 43,036:—

	RS.
Fusly 1281 ...	267,09,692
" 1282 ...	266,66,656
Decrease ...	43,036

Sources of Revenue.	Fusly 1281.	Fusly 1282.	Increase.	Decrease.
	RS.	RS.	RS.	RS.
Excise on Spirits and Drugs (Abkari).	58,23,714	60,22,779	1,99,065	.....
Income-tax	7,24,098	4,95,629	.....	2,28,459
License-tax	272	171	.....	101
Salt	128,88,940	128,51,911	.....	37,029
Sea Customs	29,10,308	28,73,582	.....	36,726
Land Customs	2,05,900	1,95,369	.....	10,531
Stamps. {	Judicial or Court Fees ...	25,16,803	25,40,164	.....
	Non-Judicial	16,39,657	16,87,041	.....
		41,56,460	42,27,205	70,745
Total...	267,09,692	266,66,656	2,69,810	3,12,846
Net...	.....	.....	.....	43,036

The variations in each case will now be noticed.

43. Abkari.—The revenue is raised partly

	Current Minimum Demand fixed. for Fusly 1282.
	RS. RS.
1. Ganjam ...	66,000 76,559
2. Vizagapatam...	1,50,000 *1,20,211
3. Chingleput...	1,25,000 1,59,724
4. South Arcot...	1,75,000 1,91,238
5. North Arcot...	2,70,000 3,12,813

* Exclusive of Rupees 33,741, the revenue from Jeypore which is under Government management and of Rupees 4,513 the duty on Arrack brought from Chicacole for use in Vizagapatam.

Excise system in the five Districts above named was granted to certain Firms on the condition

by rents and partly under an Excise system in the five Districts noted in the margin, and in all the other Districts, except at the town of Madras, it is farmed out to the highest bidder. The monopoly under the

that, if the receipts fell below the sums noted opposite to them in the margin, which represented the largest amount likely to be obtained under the ordinary renting system, Government might put a stop to the arrangement made with them. The current demand under the new system has exceeded the minimum in each District except in Vizagapatam, where the question whether the arrangement shall cease or be continued is now under consideration. Comparing the demand with that of the previous

	Fusly 1281.	Fusly 1282.
1. Ganjam ...	74,977	76,559
2. Vizagapatam...	1,86,792	*1,53,952
3. Chingleput ...	1,58,110	1,59,724
4. North Arcot...	3,04,579	3,12,813
5. South Arcot...	2,33,580	1,91,238

* Inclusive of Rupees 33,741, the revenue from Jeypore.

year there is a decrease in the revenues of Vizagapatam and South Arcot, while there is an increase in the rest. The Col-

lector of Chingleput states the increase in his District is larger than what is shown by the figures, since his demand for Fusly 1282 includes only the Arrack collections of eleven months, the kist of the last month being only payable in the first month of Fusly 1283. Taking the amount due on the arrack sold in June also the increase in Chingleput is stated to be Rupees 22,000. In the other Districts it is not clear how the demand has been calculated, whether the arrack collections of eleven months only have been taken into account as in Chingleput, or the full demand on the entire quantity issued from the distilleries within the fusly. The latter appears to be the case. In North Arcot a remission of Rupees 26,920 has been granted from the current year's (Fusly 1282) demand as a compensation for the loss sustained by the toddy renters owing to the late period of the fusly at which the toddy farm was leased out to them. If this sum, however, be not taken into account, the demand for Fusly 1282 will fall short of that of Fusly 1281, by Rupees 18,686. The decrease in Vizagapatam and South Arcot is stated to be due to this being the first year of the new system.

In the Districts where the revenue is farmed out to the highest bidder there is on the whole an increase of Rupees 2,40,615. This is due to the renewal of the triennial leases at the commencement of Fusly 1282, and to great competition at the sale. In Madras where the Abkari revenue is managed under the immediate super-

intendence of the Revenue authorities, there has been an increase of Rupees 22,152, which is owing to the increase of dowles (the amount each shopkeeper agrees to sell), and the enhancement of the selling prices of the country arrack sold in the suburbs from Rupees 1-14-0 to Rupees 2-2-0 per gallon.

44. *Income-tax.*—The large decrease under this head is due to the exemption from taxation of incomes below Rupees 1,000 under Act VIII of 1872, and to the total abolition of the tax from 1st April 1873.

	rs.	
Fusly 1281...	7,24,098	
„ 1282...	4,95,639	
Decrease...	2,28,459	

45. *License-tax.*—The License-tax has long been abolished, but the small sum of Rupees 171, which was outstanding against previous fuslies in North Arcot, was collected during the year.

46. *Salt.*—In the revenue from salt there is a small decrease of Rupees 37,029. The following is a comparison between the results of Fusly 1282 and Fusly 1281 :—

ITEMS.	FUSLY 1281.		FUSLY 1282.	
	Quantity.	Amount.	Quantity.	Amount.
<i>Sea Salt.</i>	IN. MDS.	RS.	IN. MDS.	RS.
Home consumption	3,320,965	65,40,475	3,366,994	66,37,296
Inland do.	3,242,157	62,68,073	3,139,221	61,43,220
Exportation by sea	404,332	51,225	286,038	42,370
Sold to French Government	51,929	6,510	61,973	7,721
Supplied to other Districts on Government account	55,434	.....	42,000	.....
Miscellaneous ... ..	.....	8,033	.....	5,701
Total ...	7,074,817	128,74,316	6,896,226	128,36,308
<i>Earth Salt.</i>				
Bellary ... ..	.....	12,463	.....	13,260
Kurnool ... ..	.....	2,161	.....	2,343
Grand Total ...	7,074,817	128,88,940	6,896,226	128,51,911
Decrease, Rupees ...	.....	37,029	.....	.....

47. The decrease which the above figures disclose is only nominal. More than was lost in the sales was gained by increased duty collected on salt imported by private individuals chiefly in the District of South Canara. The total amount of duty collected in the Presidency on salt imported by private individuals in Fusly 1282 was Rupees 54,821, against Rupees 8,004 in the previous year. Looking, however, to the sales of salt in each District there is a gross decrease of Rupees 3,31,199 in five Districts, and a gross increase of Rupees 294,170 in the others as shown below. In Kistna the decrease is due to a diminished demand from the Nizam's territories, which are now stated to be drawing their supplies from Bombay by rail. The decrease in Nellore and Tanjore is attributable to deficiency in the stock on hand. In the former, the demand in Fusly 1281 at certain salt factories, was unusually large owing to the insufficiency of the stock in Kistna, and the stock was thus greatly reduced, and in the latter, the deficiency was caused by the manufacture of salt during the past two years having been checked and impeded by untimely rains. In South Canara the sales in Fusly 1281 were unusually high owing to a scarcity of salt in North Canara and to large demands from Mysore. In Fusly 1282, however, the depressed state of the coffee market prevented the inland traders from resorting to the coast in as large numbers as in the preceding year, and there were besides, as already remarked, large importations of Government salt by private traders, and hence the decrease in the Government sales. The decrease in Malabar is small and does not call for remark. As regards the increase, it is conspicuous only in the three Northern Districts of Ganjam, Vizagapatam, and Godavery. In the first it is due to no sales having been effected at the salt factories of Ganjam and Womeravilly during the latter part of Fusly 1281, because there was none in stock at those stations, and to the more favorable character of the season of Fusly 1282 for salt traffic. In Vizagapatam the increase was owing to the re-opening of the Konada salt factory, to more active suppression

of the illicit manufacture of earth salt, and to a larger stock having accumulated at all the factories. The increase in Godavery is because large purchases of the article were made during the early portion of Fusly 1282, to make up for the smaller purchases effected in the latter part of Fusly 1281, in consequence of the channels having been unusually low and therefore unnavigable. The increase in the other Districts is small and calls for no remark.

			RS.
1.	Kistna	... ..	40,566
2.	Nellore	... ..	70,422
3.	Tanjore	... ..	1,07,478
4.	South Canara	... ..	1,07,976
5.	Malabar	... ..	4,757
			3,31,199

			RS.
1.	Ganjam	... ..	+1,14,994
2.	Vizagapatam	... ..	+ 74,180
3.	Godavery	... ..	+ 77,137
4.	Chingleput	... ..	+ 1,946
5.	South Arcot	... ..	+ 3,832
6.	Madura	... ..	+ 4,519
7.	Tinnevely	... ..	+ 16,583
8.	Earth Salt in Bellary and Kurnool	... ..	+ 979
			+2,94,170

48. *Quantity in Store.*—The subjoined abstract shows the stock on hand at the beginning and close of Fusly 1282 in comparison with the similar figures for Fusly 1281:—

	Fusly 1281.	Fusly 1282.
	IN. MDS.	IN. MDS.
Stock on hand at the beginning of the fusly	6,926,606	7,904,996
Receipts during the year	8,327,976	5,902,876
Total	15,254,582	13,807,872
Sales including wastage	7,349,586	6,915,910
Balance at the end of the year	7,904,996	6,891,962

From the above it will be observed that, although the stock at the commencement of the year was larger than that in the previous year, still the quantity manufactured and the stock left at the close of the year were considerably less. The season was particularly adverse to

salt manufacture in the Districts noted in the margin, and it was therefore found impossible to manufacture the required quantity of salt in those Districts. The deficiency of the stock was not

felt, however, except in Tanjore and South Arcot. Prompt measures were adopted to remedy this deficiency, and salt was supplied to South Arcot from Chingleput, and a large quantity of salt formed naturally was collected at Vedarni in Tanjore.

49. The usual statement showing the quantities which Collectors recommend to be written off the accounts of Fusly 1282 on account of wastage is subjoined:—

DISTRICTS.	Contents of the heaps when received.		Outturn of the heaps when sold.		Wastage.	Per cent- age of the wastage on column 2.	Value of the wastage of Salt at the prime cost.		Value of the wastage of Salt at the monopoly price.			
	1	2	3	4			5	6	7			
		IND. MDS.	SHEERS.	IND. MDS.	SHEERS.		RS.	A.	P.	RS.	A.	P.
Ganjam	619,636	84	591,232	34	4.58	3,848	0	0	56,809	11	2
Vizagapatam	211,813	...	192,422	...	9.15	1,454	4	0	38,780	0	0
Godavery	317,831	...	304,091	...	4.33	1,146	10	8	27,520	0	0
Kistna	216,438	...	206,468	...	4.60	819	5	4	19,940	0	0
Nellore	431,228	...	416,875	...	3.93	2,355	2	7	28,706	0	0
Chingleput	1,298,656	...	1,148,717	...	10.06	23,323	2	8	279,878	0	0
South Arcot	423,957	...	392,584	...	7.40	13,400	7	7	62,716	0	0
Do. Supplied to French Government	...	51,810	...	48,965	38	5.54	1,227	9	8	5,748	7	0
Tanjore	273,392	...	238,796	10	12.62	2,959	0	0	69,010	1	0
Madura	246,040	...	239,195	5	2.76	637	15	4	13,609	12	0
Tinnevely	363,335	...	353,484	...	2.71	872	3	7	19,702	0	0
South Canara	117,992	9	116,331	...	1.40	670	3	1	3,322	7	2
Malabar	59,296	...	58,949	...	0.75	202	11	0	894	0	0
Total ...		4,621,344	8	4,308,010	13	6.78	52,876	11	6	6,26,566	6	4

50. The rate of wastage exceeds the usual five per cent in the Districts of Vizagapatam, Chingleput, South Arcot and Tanjore, and is mainly due to the damage done to the salt heaps by the cyclone and the heavy rains of 1871 and 1872. The salt sold in Vizagapatam was also old, having been stored in 1868, and in Chingleput there was a radical defect in the system of storage which entailed a large wastage, but which has been since corrected. The Collectors have shown sufficient reasons for recommending the quantities mentioned by them to be written off the accounts as wastage, and the Board therefore resolve to request Government to allow this to be done.

51. *Charges.*—The charges attending the administration of the salt monopoly during Fusly 1282 were Rupees 1,64,151 less than in the preceding year. The details are given below:—

ITEMS.	Fusly 1281.		Fusly 1282.		Increase.		Decrease.	
	RS.		RS.		RS.		RS.	
<i>Charges of Collections.</i>								
Fixed Establishment ..	2,22,725	...	2,20,104	...	...	...	2,621	...
Country Stationery and Saderward ..	2,269	...	2,430	...	161	...	.....	...
Travelling allowance to officers, &c. ..	9,051	...	9,610	...	559	...	.....	...
<i>Charges for the provision of Salt.</i>								
Purchase and Manufacturer's share ..	10,35,158	...	9,09,864	...	...	...	1,25,294	...
Charges for conveying and storing salt ..	1,07,660	...	73,937	...	...	...	33,723	...
Do. for exporting salt ..	10,816	...	5,432	...	...	...	5,384	...
Freight on salt imported ..	4,600	...	.....	...	...	...	4,600	...
Salt compensation ..	256	...	186	...	...	...	70	...
Petty construction and repairs, and con- tingencies ..	1,87,265	...	1,94,086	...	6,821	...	.....	...
Grand Total...	15,79,800		14,15,649		...		1,64,151	

The net decrease in-charges is chiefly due to more limited manufacture, the cause of which has been already explained. Great attention was paid to the repairs, &c. of the factories and their approaches, which are so necessary for developing and even maintaining the salt revenue, and the amount expended on such works in each District during the year under report is given below in comparison with that in the preceding year:—

DISTRICTS.	Fusly 1281.	Fusly 1282.	Increase.	Decrease.
	RS.	RS.	RS.	RS.
Ganjam	11,254	14,811	3,557	.....
Vizagapatam	21,792	10,980	.....	10,812
Godavery	8,541	13,775	5,234	.....
Kistna	2,512	2,314	.....	198
Nellore	12,164	24,205	12,041	.....
Chingleput	57,986	61,959	3,973	.....
South Arcot	10,467	10,548	81	.....
Tanjore	18,602	8,435	.....	10,167
Madura	4,720	822	.....	3,898
Tinnevelly	10,939	18,544	7,605	.....
South Canara	14,705	15,052	347	.....
Malabar	1,709	4,937	3,228	.....
Total...	1,75,391	1,86,382	36,066	25,075
Net Increase...	.....	.....	10,991	.....

After deducting the charges from the gross receipts the net revenue amounted to Rupees 114,37,977 as shown below:—

	Collections.	Charges.	Ratio.	Net Revenue.
	RS.	RS.	RS.	RS.
Fusly 1281	128,87,193	15,79,800	12½ per cent.	113,07,393
„ 1282	128,52,626	14,15,649	11 „	114,36,977

52. **SEA CUSTOMS.**—Imports and exports by sea yielded a revenue of Rs. 28,73,582, which is less by Rs. 36,726 than that of the previous year. There was a gross increase of Rupees 96,654 in five* Districts, and a gross decrease of Rupees 1,33,380 in the other seven.† The large increase in the South Canara District is owing to larger importations of private salt from Goa, and of European liquors from Foreign ports.

Fusly 1281	29,10,308
„ 1282	28,73,582
Decrease...	36,726
* 1. South Canara	39,649
2. Ganjam	38,600
3. Madras	17,702
4. Kistna	668
5. Nellore	35
† 1. Malabar	66,526
2. Tinnevelly	19,069
3. Vizagapatam	17,816
4. Godavery	16,220
5. South Arcot... ..	11,260
6. Madura	1,978
7. Tanjore	511

The increase in the Ganjam District is due to increased exportation, and that in Madras to larger exports of hides, indigo, and seeds of various sorts. The increase in Kistna and Nellore is small and does not call for remark. It may be here observed that the Collector of Madras does not include the Sea Customs revenue in his Jamabundy report. In future he will be good enough to include it and explain variations. As regards the Districts in which there is a falling off, it will be observed that the largest decrease occurs in Malabar, which is attributable to smaller exports of cocoanut-oil and popper. The decrease in Tinnevelly is due

to smaller importations of cotton piece-goods and thread, and in Vizagapatam, Godavery, and South Arcot to the falling off in the export trade chiefly in paddy. The decrease in the other two Districts, Madura and Tanjore, is small and does not call for remark.

53. LAND CUSTOMS.—The revenue from Land

	rs.
* Godavery	310
South Arcot	1,00,268
Tanjore	83,268
Malabar	11,523
Total... ..	1,95,369

Fusly 1281	2,05,900
„ 1282	1,95,369

Decrease... .. 10,531

	rs.
Fusly 1281	41,55,460
„ 1282	42,27,205

Increase... .. 70,745

† Fusly 1281	25,16,803
„ 1282	25,40,164

Increase... .. 23,361

• † Fusly 1281	16,39,657
„ 1282	16,87,041

Increase... .. 47,384

from General and Non-Judicial Stamps. The total revenue compared with that in the previous fusly shows an increase of Rs. 70,745. The increase under Court Fees Stamps is partly due to ordinary causes and partly to the fact that batta for the service of processes,

Customs accrues in four* Districts, and amounted during the year under report to Rupees 1,95,369 against Rupees 2,05,900 in the previous year. The decrease is chiefly in the District of South Arcot and is not accounted for.

54. STAMPS.—

The revenue from stamps for Fusly 1282 amounted to Rupees 42,27,205. Of this sum Rupees 25,40,164† were derived from Court Fees Stamps, and Rupees 16,87,041‡

which had hitherto been paid in cash, was paid during the year in Court Fees Stamps. The increase under General Stamp Revenue is due to the greater development of money transactions caused by the general prosperity of the country.

55. ENTIRE CURRENT DEMAND, COLLECTIONS,

AND BALANCE UNDER

ALL SOURCES OF RE-

VENUE.—The entire

Demand, Collec-

tion, and Balance

under all sources of

Revenue are ex-

hibited in the sub-

joined abstract.

Demand.

	rs.
Fusly 1281	712,16,028
„ 1282	721,71,787

Increase... .. 9,55,764

Collections including Remis-

sions.

	rs.
Fusly 1281	654,77,269
„ 1282	672,70,520

Increase... .. 18,02,251

Balance at the close of the

Fusly.

	rs.
Fusly 1281	57,38,754
„ 1282	48,92,267

Decrease... .. 8,46,487

56. The current

demand amounted

to Rs. 721,71,787.

Of this Rupees

672,47,954 (or

93.2 per cent) were collected within the fusly, and Rupees 31,566 remitted, leaving a balance of Rupees 48,92,267 (or 6.8 per cent) when the year closed. The subsequent collections up to October 1873 amounted to Rupees 35,06,015, so that Rupees 13,86,252 still remained to be collected at the end of October 1873. This sum is 1.9 per cent of the demand.

ITEMS.	Current Demand.	Collections.	Remissions.	Balance.	Subsequent collections and remissions up to 31st October 1873.	Balance.
	RS.	RS.	RS.	RS.	RS.	RS.
Permanently Settled ...	51,16,332	42,51,737	.....	8,64,595	6,16,161	2,48,434
Jodi on Shrotriem, &c. ...	6,42,181	5,16,870	.....	1,25,311	80,876	44,435
Ryotwar	358,38,619	332,20,529	.....	26,09,090	18,86,325	7,22,765
Miscellaneous	39,07,999	30,11,815	.....	8,96,184	5,45,858	3,50,326
Total... ..	455,05,131	410,09,951	.....	44,95,180	31,29,220	13,65,960
Excise on Spirits and Drugs, (Abkari) ...	60,22,779	56,06,322	30,375	3,86,082	3,71,491	14,591
Income-tax	4,95,639	4,84,337	1,191	9,611	4,019	5,592
License-tax	171	171	.....	.....	.....	.....
Sea Customs	28,73,582	28,73,145	.....	437	437	.....
Land Customs	1,95,369	1,95,369	.....	.....	.....	.....
Salt	123,51,911	123,50,954	.....	957	848	109
Stamps.. { Court Fees ...	25,40,164	42,27,205	{	.....	.....	.....
{ Non-Judicial... }	16,87,041	.....	.....	.....	.....	.....
Total... ..	266,06,656	262,38,003	31,566	3,97,087	3,76,795	20,292
Grand Total... ..	721,71,787	672,47,954	31,566	48,92,267	35,06,015	13,86,252

57. CURRENT BALANCES.—*Permanently settled.*

—The balance of Permanently Settled Revenue at the end of October 1873 amounted to Rupees 2,48,434, and is nearly 51 per cent less than the corresponding sum for the previous year. It is distributed over the Districts noted below. The largest balance is against the Madura District, and is due chiefly by the Ramnad estate where the collection was suspended in conformity with the instructions contained in G. O., dated 23rd May 1873, No. 529. Steps have been since taken to realize the arrears as directed in G. O., dated 14th August 1873, No. 850. In Salem it is due from estates belonging to minor proprietors, and they have been placed under attachment. In Ganjam 5,500 Rupees are due from the Zemindari of Searghur, which is now under the Court of Wards. There were no funds available for the payment of the rent due to Government by this estate, the income of Fusly 1282 having been anticipated by the adoptive mother of the minor Zemindar prior to the assumption of the management by the Court of Wards. The remaining balance is stated to be due from certain Zemindars in the Sub-Division, and steps have been taken to realize it soon. In Chingleput the Collector states that the amount is now being collected chiefly by coercive process. The balances in the other Districts are small and do not call for remark. Prompt measures have been taken for their speedy collection.

	RS.
Fusly 1281	5,12,601
„ 1282	2,48,434
	RS.
1. Madura	1,24,026
2. Salem	33,975
3. Ganjam	27,868
4. Chingleput	21,096
5. Malabar	15,000
6. Vizagapatam	12,835
7. Kistna	4,761
8. Godavery	4,377
9. North Arcot	3,359
10. Tinnevely	1,137
Total...	2,48,434

58. CURRENT BALANCES — *Shrotriem Jodi (Quit-rent).*—There was a balance of Rupees 44,435 outstanding at the end of October 1873, on account of quit-rent due from Shrotriems. This balance is slightly in excess of the corresponding sum for last year. It is distributed over all the Districts, but exists chiefly in the Districts noted below. The Collectors state that due measures have been adopted for realizing the balances soon.

	RS.
Fusly 1281	41,165
„ 1282	44,435
	RS.
1. Chingleput	18,377
2. Salem	8,093
3. Cuddapah	4,326
4. Madura	3,027
5. Ganjam	2,895
6. North Arcot	2,603

59. CURRENT BALANCES—*Ryotwar.*—The balance under “Ryotwar” amounted to Rupees 7,22,765, or 2 per cent of the demand which is the same percentage as that for the previous year. The collections within the fusly amounted to 92·8 per cent of the demand, and the subsequent collections to 5·2 per cent. The collections are on the whole satisfactory and creditable to the officers concerned. Much of the balance is outstanding in the Districts noted in the margin. As usual the District of Chingleput heads the list. The Collector states that the arrears are being collected chiefly by coercive means. The real cause of the heavy balance year after year in this District appears to be the desire on the part of the Mirassidars to retain more lands in their puttahs than they have the means to

cultivate efficiently and pay for. The Mirassiyots have a strong attachment to the land and are reluctant to let the non-Mirassidars take up lands for cultivation, especially in the present unsettled state of the Mirassi question; consequently, whenever there is an application by an outsider the Mirassidars take up the land, and thus ryots who have means are left without land, while those who have land possess no means. The balances in the other Districts are not large and are being collected.

60. CURRENT BALANCES—*Land Revenue, Miscellaneous.*—The balance of Rupees

Fusly 1281	... 3,75,857	3,50,326	under
„ 1282	... 3,50,326	“Land Revenue,	
		Miscellaneous,”	is

spread all over the Districts and is slightly less than the corresponding sum for the previous year. The Districts in which the balance is large are noted in the margin. The

1. Godavery	... 70,628	greater portion of
2. Nellore	... 52,045	the balance under
3. Chingleput	... 52,707	this head in Goda-
4. North Arcot	... 40,044	very appears to be
5. Madras	... 17,867	left uncollected for
		the same reasons

(which will be explained hereafter) for which the arrears of the past fuslies in this District are still left uncollected. In the other Districts the balances are not large and do not call for remark. They are all in the course of collection.

61. CURRENT BALANCES—*Abkari.*—The balance of Abkari revenue yet to be collected on account of Fusly 1282 is Rupees 14,590, which is a great deal less than that for the previous fusly. The Districts in which the balances are out-

Fusly 1281	... 1,02,954
„ 1282	... 14,590
Decrease...	88,364
Vizagapatam	... 14,495
Madras	... 95
	14,590

Fusly	Fusly	
1281.	1282.	
RS.	RS.	
Income-tax.	15,302	5,592
Salt	... 176	109

62. The balances under “Income-tax and Salt” are small and call for no remark.

63. ARREARS, DEMAND, COLLECTIONS, AND BALANCE UNDER ALL SOURCES OF REVENUE.—The subjoined tabular statement exhibits the Demand, Collection, and Balance of Arrears under land and other Sources of Revenue up to the end of October 1873.

Items.	Demand.	Collection.	Remissions.	Balance.	Subsequent Collection and Remission.	BALANCE.		Total.
						Recoverable and Doubtful.	Irrecoverable.	
	RS.	RS.	RS.	RS.	RS.	RS.	RS. A. P.	RS.
Permanently Settled	13,40,814	8,68,545	.....	4,72,269	86,744	4,25,973	9,552 12 4	4,35,525
Shrotrien Jodi	1,66,651	1,89,708	.....	26,343	7,200	18,749	993 13 11	19,743
Ryotwar	34,76,951	29,87,113	.....	5,30,587	49,318	270,176	2,11,093 1 9	4,81,269
Miscellaneous	13,06,196	8,34,762	9,251	4,71,040	21,151	3,30,814	1,19,074 6 0	4,49,889
Excise on Spirits and Drugs (Abkari)	5,43,308	4,46,904	394	65,989	38,076	24,082	3,880 14 9	27,910
Income-tax	58,820	30,650	30,415	27,538	6,548	4,896	16,094 3 8	20,990
License-tax	.....	.....	632	.....	.....	.....	.....	.....
Salt	1,843	1,672	.....	.....	11	.....	143 8 0	160
Sea Customs	437	437	.....	.....	.....	.....	.....	.....
Total ..	68,95,020	52,50,791	40,692	15,94,537	1,59,048	10,74,706	3,60,782 12 5	14,35,489

It will be observed that the amount of arrears brought forward in the above statement is less by Rupees 8,083 than that shown in the previous year's account as the outstanding balance at the end of Fusly 1281. This difference is the result of a mistake in the previous return, in which the Abkari collections (current) of South Canara were entered as Rupees 1,08,163 instead of Rupees 1,16,246. The actual amount thus outstanding at the beginning of the fusly was Rupees 68,95,020, of which Rupees 52,59,791 were collected, and Rupees 40,692 remitted. There remained at the end of Fusly 1282 a balance of Rupees 15,94,537, which has since been reduced by subsequent collections and remissions to Rupees 14,35,489. Of this last balance, Rupees 10,74,706 are stated by Collectors to be recoverable or doubtful, and Rupees 3,60,783 to be irrecoverable.

1. Madura ...	4,13,856	Therecoverable and
2. Godavery ...	1,68,941	doubtful balance is
3. Chingleput ...	1,56,165	chiefly in the Dis-
4. North Arcot..	1,12,842	tricts noted in the
5. Nellore ...	33,959	margin. The bal-
		ance in Madura is

the largest and is due for the most part by the Ramnad estate, which is under the Court of Wards, and it will be realized as soon as funds are available. In Godavery a large portion of the balance is stated to be doubtful, consisting of (1), the assessment of lands claimed as Inams; (2), the water-tax of lands alleged to be not irrigable by direct flow; and (3), water-tax charged in Zemindari and

Inam lands, which claim to be free of water-rate as being customary mamul wet. The Collector states that instructions have been issued to complete the inquiry on these matters as early as practicable. The arrears in Chingleput are being collected chiefly by coercive process, property to the value of Rupees 1,45,000 being now under attachment. The Collector states, that nearly half the arrears of Permanently Settled Revenue is due on estates in which a great deal of land for which the compensation is being settled has been taken up in connection with the Chembrumbakum Irrigation project, and the delay in realizing the remainder is due to impediments arising from the old rule (now rescinded) that personal property must be attached in the first instance before attaching and selling the estate itself. The arrears of Shrotriem quit-rent are chiefly due on unenfranchised villages, and the Collector is going to apply for the sanction of Government in order to resume them. In North Arcot and Nellore the Collectors state that measures have been adopted for realizing the arrears.

64. The irrecoverable portions of the arrears must now be briefly noticed.

65. The sanction of Government for writing off the irrecoverable arrears, recommended in the Settlement Report of Fusly 1281, not having been yet communicated to Collectors, they are again included in the Statement No. 6 now forwarded. The Board will, however, only notice here such sums as are now shown for the first time:—

	Amount recommended to be written off in paragraph 58 of Settlement Report of Fusly 1281.	Deduct sums since collected.	Remainder.	Add amount now recommended to be written off.	Total amount to be written off.
	RS.	RS.	RS.	RS.	RS.
Permanently Settled ...	7,231	.....	7,231	2,322	9,553
Shrotriem Jodi	702	1	701	293	994
Ryotwar	1,10,110	3,256	1,06,854	1,04,239	2,11,093
Miscellaneous	50,742	331	50,411	68,663	1,19,074
Total..	1,68,785	3,588	1,65,197	1,75,517	3,40,714
Abkari	2,796	1	2,795	1,036	3,831
Income-tax	13,027	1	13,026	3,068	16,094
Salt	54	.....	54	89	143
Total...	15,877	2	15,875	4,193	20,068
Grand Total...	1,84,662	3,590	1,81,072	1,79,710	3,60,782

66. PERMANENTLY SETTLED.—First, those

	RS.	A.	P.	
1. Kistna ...	128	0	0	against Perma-
2. Madura ...	67	0	9	nently Settled
3. Tinnevely...	196	8	8	estates. The
4. Salem ...	1,980	9	11	arrears amount

Total... 2,322 3 4

margin. The amount entered against Kistna is the sum withheld by the Zemindar of Chevendramutta on account of certain quit-rent collected by Government on an Inam in the estate, which was afterwards declared by Government to be due to the Zemindar—*Vide* G. O., dated 14th July 1871, No. 1,224. The sum entered against the Madura District is the quit-rent on certain enfranchised Inams in Zemindaries, erroneously included in the demand of Fusly 1280, because the title-deeds were not distributed until in Fusly 1281. In Tinnevely it is the amount of quit-rent on Inams in Zemindaries erroneously added to the Government demand against the Zemindaries after it had been collected and duly credited in the accounts as Land Revenue, Miscellaneous. The amount entered against the Salem District is the assessment of lands taken up for public purposes.

67. ARREARS IRRECOVERABLE—*Shrotriem quit-rent*.—The irre-

	RS.	A.	P.	
1. Godavery ...	43	0	0	coverable Shro-
2. Kistna ...	988	9	1	triem Jodi, which
3. Nellore ...	13	0	0	the Collectors
4. Cuddapah...	108	0	10	recommend to
5. North Arcot.	91	7	5	be written off,
6. South Arcot.	9	12	1	amounts to Ru-
7. Salem ...	135	11	5	pees 1,389-8-10

Total... 1,389 8 10

Amount recommended by the Board ... 292 14 11

it is partly an excess over the proper demand and partly the amount withheld by the Shrotriemdars on account of an equal

	RS.	
1. Ganjam ...	1,077	sum due to them
2. Vizagapatam..	1,853	from certain Inam-
3. Godavery ...	17,042	dars having been
4. Kistna ...	9,773	collected by Go-
5. Nellore ...	20,985	vernment. In North
6. Cuddapah ...	6,229	Arcot it is the quit-
7. Bellary ...	15,836	rent of an Inam vil-
8. Kurnool ...	2,132	lage bought in by
9. Madras ...	4,571	Government when
10. Chingleput...	13,714	sold for arrears of
11. North Arcot...	5,181	revenue, and in
12. South Arcot...	31,255	South Arcot and
13. Tanjore ...	1,964	Salem it is the
14. Trichinopoly..	2,554	quit-rent on lands

taken up for public

15. Madura ...	3,156	purposes. The Col-
16. Tinnevely ...	2,821	lectors of Cudda-
17. Coimbatore...	2,672	pah and Kistna do
18. Nilgiris ...	701	not explain clearly
19. Salem ...	27,928	why the amounts
20. South Canara.	442	cannot be recover-
21. Malabar ...	1,016	ed and pending

Total... 1,72,902

remain in the accounts.

68. ARREARS IRRECOVERABLE—*Ryotwar and Miscellaneous*.—The arrears under Ryotwar and Miscellaneous which the Collectors recommend to be written off the accounts amount to Rupees 1,72,902 as shown in the margin. The reasons are detailed below.

	RS.	
1. Amount irrecoverable by reason of death, desertion or insolvency of defaulters including the assessment of lands put up for sale on account of arrears and bought in by Government.	1,09,120	
2. Assessment, quit-rent or water-rate improperly charged ...	22,576	
3. Assessment on resumed Inams left unoccupied ...	490	
4. Assessment of lands relinquished ...	1,362	
5. Amount not collected on account of deficits found by measurement in the land occupied ...	825	
6. Assessment of land taken up for public purposes ...	2,362	
7. Amount lost in embezzlements by Village Officers ...	451	
8. Waste charged for at the annual settlement but subsequently remitted ...	13,143	
9. Assessment of puttah lands given in lieu of Service Inams.	419	
10. Quit-rent on Service Inams in Bellary ...	7,337	
11. Assessment on lands converted into freeholds ...	220	
12. Quit-rent due for more than six years in Madras ...	2,446	
13. Assessment on certain Police Inams in South Arcot ordered to be entered in the Demand but not to be collected pending the formal grant of the land in Inam ...	2,386	
14. Assessment on land flooded ...	526	
15. Do. washed away by rivers.	900	
16. Assessment on lands placed in the possession of ryots too late for cultivation ...	226	
17. For miscellaneous reasons ...	8,113	

Total... 1,72,902

Item No. 10 was withheld last year. The Collector has since explained that he proposes to write off the quit-rent, as it is usual to do so to give to the office-holders a suitable remuneration under paragraph 33 of the G. O., dated 2nd June 1857, No. 531. While permitting the Collector to include the arrears outstanding under irrecoverable balances, the Board directed him to discontinue the practice in future and requested him to recommend once for all a reduction in the quit-rent till the Inams are enfranchised, if such a course is called for in any case with reference to the present amount of the emoluments of the office-holders. (Board's Proceedings, dated 10th June 1873, No. 973.)

69. ARREARS IRRECOVERABLE—*Abkari*.—The irrecoverable ar-

	RS.	A.	P.	rears under Ab-
1. Godavery...	986	0	0	kari, amounting
2. Salem ...	9	13	11	to Rupees 1,035,
3. Malabar ...	40	0	0	appertain to the
				Districts noted
Total...	1,035	13	11	in the margin.

The balance in Godavery is due by the late Renter of Ramachendrapoor, who died without leaving property. In Salem it is the amount withheld by the Abkari Renter in Fusly 1281 on account of a like amount paid by him in excess in Fusly 1280; and in Malabar it is the kist payable by the Abkari Renter on certain amshoms or groups of villages ceded to the Cochin Circar under G. O., dated 6th October 1870, No. 1,513.

70. ARREARS IRRECOVERABLE—*Income-tax*.—

	RS.	A.	P.	The irrecoverable balance of
1. Vizagapatam	87	1	6	Rupees 3,194-3-7
2. Godavery ...	272	0	0	under this head
3. Kistna ...	126	1	0	relates to the
4. Nellore ...	537	2	7	Districts noted
5. Bellary ...	28	0	0	in the margin.
6. Madras ...	1,619	12	4	The Collector of
7. Tanjore ...	224	12	8	Kistna does not
8. Tinnevely...	299	5	6	explain the reason for remitting
Total...	3,194	3	7	the sum of Rupees 126-1-0. It

will therefore be disallowed. The Board re-

commend that the other sums which consist of the following items be written off:—

	RS.	A.	P.
1. Amount erroneously included in the demand ...	230	13	10
2. Amount which the Collector recommends to be written off in consequence of the death, desertion, or poverty of the defaulters ...	2,526	3	9
3. Tax still shown as a balance due, the amount having been collected and erroneously credited to Fines ...	87	4	0
4. Amount left uncollected in Nellore, the party having paid his tax in Kistna ...	26	8	0
5. Surcharge irrecoverable ...	145	4	0
6. Amount remitted on appeal.	52	1	0

3,068 2 7

71. ARREARS IRRECOVERABLE—*Salt*.—The small amount of Rupees 89-8-0 under this head appertains to earth salt in Bellary and Kurnool. In Kurnool a portion of this is stated to have been erroneously charged on Modas (or places where salt is made from salt earth) not cultivated, the remainder being the balance on Modas relinquished or remaining after the sale of

	RS.	A.	P.	
Bellary	32	0	0	
Kurnool	57	8	0	
Total...	89	8	0	

of the defaulters' property. In Bellary 8 Rupees is the amount demanded in excess of the amount really due, and the remaining 24 Rupees is to be remitted in consequence of the death, desertion, or insolvency of the defaulters.

72. TOTAL ARREARS.—The total irrecoverable arrears recommended for remission in reference to the foregoing remarks, exclusive of those with regard to which a similar recommendation was made in the last report, are summarized under each head in the margin. In the annexed details, however, the amounts exhibited against each District include the sum recommended for remission in the previous fusly as mentioned above.

	RS.	
Permanently Settled ...	2,322	
Shrotriem Jodi ...	293	
Ryotwar & Miscellaneous ...	1,72,902	
Abkari ...	1,036	
Income-Tax ...	3,068	
Salt ...	89	
Total...	1,79,710	

District include the sum recommended for remission in the previous fusly as mentioned above.

IRRECOVERABLE BALANCE.

IRRECOVERABLE BALANCE.										
DISTRICTS.	Land Revenue.					Abkari.	Income-tax.	Salt.	Grand Total.	
	Permanently settled.	Shrotriem Jodi.	Ryotwar.	Miscellaneous.	Total.					
1	2	3	4	5	6	7		9	10	
Ganjam ...	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	
Vizagapatam.	.....	.....	1,664 1 1	105 12 9	1,769 13 10	.....	.....	.....	1,769 13 10
Godavery ...	1,646 0 0	0 3 3	3,787 6 0	875 3 8	4,662 12 11	2,443 0 4	.....	.....	7,441 2 9
Kistna ...	128 0 0	91 0 1	6,639 10 1	29,053 5 0	37,429 15 2	1,168 13 10	385 5 6	.....	40,506 15 4
Nellore ...	.....	403 1 5	13,627 2 7	7,385 12 3	21,544 0 3	.....	1,908 2 4	.....	21,544 0 3
Cuddapah ...	.....	23 0 0	20,827 2 6	8,000 12 6	28,850 15 0	.....	1,563 15 6	.....	30,414 14 6
Bellary ...	.....	143 4 10	7,020 7 7	4,763 11 7	11,927 8 0	.....	2,396 3 3	.....	14,323 11 3
Kurnool ...	.....	.....	13,561 13 4	14,740 13 10	28,302 11 2	.....	37 0 0	86 0 0	28,425 11 2
Madras ...	.....	.....	2,338 15 10	2,106 3 6	4,445 3 4	.....	.....	57 8 0	4,502 11 4
Chingleput...	.....	.....	.....	12,274 12 4	12,274 12 4	169 2 8	5,543 12 4	.....	17,987 11 4
North Arcot.	5,584 9 0	91 7 5	16,903 7 2	7,686 2 7	25,457 11 4	.....	.....	.....	25,457 11 4
South Arcot.	.....	106 1 6	25,952 1 5	7,372 6 6	29,951 14 1	.....	.....	.....	29,951 14 1
Tanjore ...	.....	.....	3,564 14 0	19,152 15 4	44,611 2 3	.....	1,096 2 5	.....	45,707 4 8
Trichinopoly.	.....	.....	4,107 3 6	148 10 1	3,713 8 1	.....	2,635 1 10	.....	6,348 9 11
Madura ...	67 0 9	.....	5,041 0 9	1,093 6 3	5,200 9 9	.....	.....	.....	5,200 9 9
Tinnevely ...	196 8 8	.....	25,001 0 0	512 0 7	25,709 9 3	.....	578 8 6	.....	5,448 8 2
Coimbatore...	.....	.....	4,801 3 6	23 2 10	4,824 6 4	.....	.....	.....	26,288 1 9
Nilgiris ...	.....	.....	3,135 12 2	4 7 0	3,140 3 2	.....	.....	.....	4,824 6 4
Salem ...	1,930 9 11	135 11 5	32,814 5 8	3,320 9 9	38,201 4 9	9 13 11	.....	.....	3,140 3 2
South Canara	.....	.....	479 11 11	113 11 0	593 6 11	.....	.....	.....	38,211 2 8
Malabar ...	.....	.....	2,664 1 11	.....	2,654 1 11	40 0 0	.....	.....	593 6 11
Total...	9,552 12 4	993 13 11	2,11,093 1 9	1,19,074 6 0	3,40,714 2 0	3,830 14 9	16,094 3 8	143 8 0	3,60,782 12 5	

73. The Collectors state that the old balances were fully inquired into by the settling officers, and that what they have recommended to be written off is really irrecoverable. The Board accordingly request the sanction of Government for writing off the accounts, the whole of the amount detailed in the foregoing statement.

74. Besides the above, certain sums appertaining to Fusly 1282 are reported to be irrecoverable, and the Collectors recommend that they should be written off the accounts. They are shown below. The amount entered against Salem is the sum which the ryots of the Utengherry Taluk were allowed to withhold in consequence of their having paid a similar amount in Fusly 1281 in excess of the demand. The amount against Tinnevely was improperly included in the demand on account of third crop in the taluk of Nangunery, and in Kistna it is the remission granted in the Bezwada and Gudiwada Taluks subsequent to the settlement. The Abkari revenue, which it is proposed to write off in Madras, is an erroneous charge against a shopkeeper on account of trees stamped for another party, and the Income-tax is the sum due from parties who have become paupers. The Board recommend that these sums also may be written off.

		RS.	A.	P.
Ryot-war.	1. Salem ...	8,529	6	3
	2. Tinnevely ...	125	12	4
	3. Kistna ...	5,389	4	7
Abkari, Madras ...	...	95	12	0
Income-tax ...	...	65	0	0
Total...		14,205	3	2

(To be continued.)

MISCELLANEOUS.

TOBACCO—ITS HISTORY AND CULTIVATION.*

(Continued from page 320.)

I have named the chief producing districts and have left out others, not that they do not grow tobacco; but, having visited every district in this Presidency and examined the plants at various stages of their growth, I did not see any particular difference in the cultivation; and the export, if any, is not great, except perhaps in the Kurnool District, in which the cultivation is extending, and tobacco is exported to some extent. North Arcot produces a good deal, chiefly about Vellore, which is consumed in the district and is used up in the manufacture of cheroots and snuff. The produce of South Arcot, Nellore, Bellary and Salem, is consumed locally.

* By Surgeon-Major JOHN SHORR, M.D., F.L.S., &c., Superintendent-General, Vaccination, Madras.

VII.—INSECTS DESTRUCTIVE TO THE TOBACCO PLANTS.

No animals will touch the tobacco plant, but insects belonging to the order *Lepidoptera* are very destructive to it, for they eat through the leaves in a very short time; and when their numbers, in connection with their variety, are taken into consideration, we can easily imagine the amount of destruction they may cause on a plantation, if not soon exterminated. Those that attack the tobacco plant belong to Class VIII, *Insecta*; Order IX, *Lepidoptera*; Sub-order I, *Heterocera*, and of the second group or tribe *Tineidæ*; the larva known as caterpillars are found crowded on the leaves. The eggs are first deposited on the leaves in large numbers, and are scarcely the size of a pin's head; some are oval and others round; and in from three to five days the caterpillars make their appearance. As they increase in size, they scatter themselves over the plant and, ere attaining maturity, change their skins on four different occasions. A full-grown caterpillar is a quarter of an inch in diameter, and $1\frac{1}{2}$ inches in length. The animal is made up of 13 segments; the head is horny, and furnished with jaws and antennæ. If disturbed it lies still as if dead, or curls up; but is extremely active otherwise, and when injured or handled ejects a greenish acrid fluid from its mouth. It has sixteen legs, three pairs attached to the thorax, these are jointed and clawed, and four pairs of prolegs, which are fleshy stumps. A fifth pair of the same kind is attached to the caudal extremity. The caterpillar is naked, and has three yellow longitudinal stripes, and the two outer lines are dotted with black triangular spots, whilst the ground is of a greenish grey; a dark stripe of the same color, forms the marginal surface towards the abdomen and is serrated at its lower border. The under-surface is of a dull opaque color, and the claws of the thoracic legs are dark-brown. At the time of changing into pupa they escape and bury themselves under ground, or seek shelter in some crevice, where they remain quiescent, and, after from 24 to 36 hours, put on a dark-brown horny covering forming the chrysalis. The pupa or chrysalis is motionless, but if disturbed, the small end moves gently from side to side; and on the seventh day the insect emerges in the shape of rather a quiet-looking moth. The antennæ of these are filiform, three lines in length, color brown, with darker markings, which have a metallic bronze-like lustre, and grey margin, wings narrow and elongated; the bases of both are fringed; length of wings, six lines; of body, five lines; diameter of body, two and-a-half lines; this is the chief kind of moth whose larva proves so destructive to tobacco at Chingleput. I have examined the plants frequently during several seasons, and on only one occasion found a single larva of the

Geometridæ or *Loupers*. Those described above were always to be seen in swarms. In Georgia the *Sphinx Carolina*, a species of the Hawk moth, and other insects of the same kind, and especially the *Phalœna Rhesiæ* are said to be great pests to the tobacco plant.* Various remedies have been suggested for the destruction of the caterpillars that infest the tobacco plant, such as sulphur, lime, and the smoking of the plantations. These are not only expensive but are supposed to prove injurious to the aroma of the plant, if used when it approaches maturity. The safest and most effectual method is to employ people to pick out the worms daily. At early morn an acre can be freed of this pest in a couple of hours by three women or boys, but, of course, this operation will require to be carried out daily to meet with success. At the same time that the caterpillars are being picked out, any eggs found on the plants should be brushed away from the leaves with a soft brush. I have employed poultry with success, and found that the turkey is recommended for the purpose in America; but in India this is a delicate bird to rear, and from its weight and size is likely to injure the tobacco leaves. The common fowl is quite effective for the purpose; but the Guinea-fowl, the *Numida Meleagris* of naturalists is the best and most successful from its wandering habits; it roves freely over the plantation, and does not injure plants or leaves in any way, while it is at the same time very quick and active in picking off caterpillars and other insects from the plants.

VIII.—REVIEW OF THE CULTIVATION.

On reviewing the methods of cultivating tobacco, it will be observed that it is very generally cultivated in Southern India and in many other parts of this country, either for commerce or for local consumption. Perhaps there is scarcely a village in India where it is not cultivated for the consumption of the villagers. The produce, in the first instance, depends on the soil and climate, and secondly, on the process of manufacture.

Soil.—The soil for the successful growth of tobacco should be richly impregnated with iron, and should abound in alkalis. This we judge by analysing the ashes of the plant, from which we can readily ascertain its wants, so as to grow it successfully. "In the analysis of Havana tobacco by *Hortung* 100 parts of the ash was found to consist of

Salts of potash	...	...	34.15
Salts of lime	...	...	51.88
Magnesia	...	...	4.09
Phosphates	...	...	9.04

These were for the most part insoluble in the earth, and must have been dissolved during the growth of the plant.

The following are analyses of five samples of tobacco grown on Argillaceous and Calcareous soils.

		No. 1.	No. 2.
Potash	...	29.08	30.67
Soda	...	2.26	—
Lime	...	27.67	24.79
Magnesia	...	7.22	8.57
Chloride of sodium	...	.91	5.95
" of potassium	...	...	...
Phosphate of iron	...	8.78	7.03
Sulphate of lime	...	6.43	5.60
Silica	...	17.65	5.54

Grown on Calcareous soil :—

		No. 3.	No. 4.	No. 5.
Potash	...	9.68	9.36	10.37
Soda	...	...	...	...
Lime	...	49.28	49.44	39.53
Magnesia	...	14.58	15.59	15.04
Chloride of sodium	...	4.61	3.20	6.39
" of potassium	...	4.44	3.27	2.29
Phosphate of iron	...	5.19	6.72	7.56
Sulphate of lime	...	6.68	6.14	9.42
Silica	...	5.54	6.28	8.34

There is no doubt that the manure, which contains the largest proportions of the alkaline carbonates, magnesia, lime, and gypsum, is the best adapted for tobacco. I subjoin an analysis taken from Professor Johnstone's Lectures (2nd Edition) of the ash of the tobacco leaf, and the composition of a special manure for tobacco.

" Potash	...	...	12.14
Soda	...	...	.07
Lime	...	...	45.90
Magnesia	...	...	13.09
Chloride of sodium	...	...	3.98
" of potassium	...	...	3.98
Phosphate of iron	...	...	5.48
Sulphate of lime	...	...	6.35
Silica	...	...	8.01"

All the ingredients which are necessary to replace 100 lbs. of the ash of tobacco leaves are present in the following mixture :—

Bone dust, sulphuric acid	23 lbs.
Carbonate of potash (dry)	31 "
" of soda (")	5 "
" of magnesia (")	25 "
" of lime (")	60 "

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The following is the result of an analysis of the fresh leaves of tobacco by Posselt and Reimann :—

Nicotine	...	...	.06
Nicotianine	...	...	.01
Extractive matter slightly bitter	...	...	2.37
Gum with a little malate of lime	...	...	1.14
Green resin	...	...	.26
A substance analogous to gluten	...	...	1.04
Malic acid	...	...	.51

* Kirby and Spence's Entomology.

* Balfour's Cyclopædia of India.

Malate of ammonia ...	... 12
Sulphate of potash ...	... 04
Chloride of potassium ...	... 06
Potash combined with malic and nitric acids ...	... 90
Phosphate of lime ...	... 16
Lime in union with malic acid...	... 24
Silica ...	... 08
Woody fibre ...	... 4.96
Water (traces of starch) ...	... 87.21:

Dr. Covell, in *Sullivan's American Journal*, Volume VII, shows its components to have been imperfectly represented in the above German analysis. He found in tobacco, by chemical examination, first gum; second viscid slime, equally soluble in water, and alcohol, and precipitable from both by subacetate of lead; third tannin; fourth gallic acid; fifth chlorophyll (leaf green); sixth a pulverulent matter which dissolves in boiling water, but falls down again as the water cools; seventh a yellow oil possessing the taste, smell, and poisonous qualities of tobacco; eighth a large quantity of a pale yellow resin; ninth nicotine; tenth a white substance analogous to morphia, soluble in hot, but hardly so in cold alcohol; eleventh a beautiful orange red dye stuff soluble only in acids, it deflagrates in the fire and seems to possess neutral properties; twelfth nicotianine. According to Buchner, the seeds of tobacco yield a pale yellow extract of alcohol, which contains a compound of nicotine and sugar.

M. M. Henery and Boutron Charlard found the following quantities of nicotine in 1,000 parts of

Cuba tobacco ...	... 8.64
Maryland ...	... 5.28
Virginia ...	... 10.00
Ile et Vilaine ...	... 11.20
Lot et Garonne ...	... 8.20*

Nicotine exists, not only in the leaves, but also in the root, and in the seeds of tobacco. It is obtained by infusing the leaves in water, acidulated with sulphuric acid, concentrating the infusion and distilling with lime or magnesia.

The distilled product is a solution of ammonia and nicotina, and is to be saturated with sulphuric acid and evaporated to dryness: the sulphate of nicotina is then to be dissolved out by ether, and decomposed by hydrate of baryta. The nicotina is obtained by spontaneous evaporation. To obtain it pure, it should be distilled by an oil-bath at the temperature of 288° F. The following are its leading properties.—It is a colorless, liquid, volatile, alkali, with the odour of tobacco and an acrid, burning taste. It restores the blue color of reddened litmus, and renders turmeric-brown. At 375° F. it boils, and at the same time undergoes

decomposition. By exposure to the air it becomes brown and thick. It is readily combustible by the aid of a wick. It is soluble in water, ether, alcohol, and the oils (fixed and volatile). It combines with acids and forms salts; the *sulphate*, *phosphate*, *oxalate* and *tartrate*, are crystallizable. "The *acetate* is not; its atomic weight is about 210. The acetate of nicotina yields a white flocculent precipitate, with a solution of bichloride of mercury, and a yellow granular precipitate with chloride of platinum. The precipitates (which are double salts) lead to a suspicion that ammonia was present in the nicotina salt. Heated with water, the yellow precipitate obtained by chloride of platinum is converted into the platinum bichloride of ammonia. Mr. E. Davy found that nicotina acted as a narcotic poison on insects. The quantities of nicotina, yielded by 1,000 parts of various kinds of tobacco, have already been given." "Concrete volatile oil of tobacco (nicotianin, *Hermstädt*; *Tobacco camphor*, *Gemelin*) obtained by submitting tobacco leaves with water to distillation. Six pounds of the leaves yielded 11 grains of oil, which swims on the surface of the liquor. This oil is solid, has the odour of tobacco, and a bitter taste. It is volatile, insoluble in water, and the dilute acids, but soluble in ether and caustic potash. According to Landerer, fresh tobacco leaves yield no nicotianin, which, therefore, would appear to be developed by the drying of the leaves under the influence of air and water. Nicotianin excites in the tongue and throat, a sensation similar to that produced by tobacco smoke. *Hermstädt* swallowed a grain of it, and experienced, soon after, giddiness, nausea, and inclination to vomit. Applied to the nose, it causes sneezing. *Empyreumatic oil of tobacco* is rather less solid than the empyreumatic oil of fox glove; but it is undistinguishable from the latter by either taste or smell. It is produced, in part at least, by the decomposition of some of the constituents of tobacco. It has been suggested that this oil is 'the juice of cursed hebenon,' alluded to by Shakespear (*Hamlet*, Act I, Scene 5) who also calls it a *distilment*."

Tobacco smoke.—The constituents of tobacco smoke, according to Raab and Schenk, are much *carbonate of ammonia*, *acetate of ammonia*, *nicotianin*, *empyreumatic oil*, *carbonaceous matter* (soot), *moisture*, and several *gases*. Unverdorben obtained by the dry distillation of tobacco, water, oil, and resin. These products consisted of, *a volatile oil*, *an oleaginous acid*, *an empyreumatic acid*, *resin*, traces of *a powder insoluble in potash and acids*, a small quantity of *odorin*, *a base soluble in water* (nicotin) *fuscine*, *red matter soluble in acids*, and *two extractive matters*, one forming a soluble and the other insoluble compound with lime.*

* Ure's Dictionary of Arts and Manufactures.

* Pereira's Materia Medica.

J. Broughton, Esq., the Madras Quinologist, furnished the Board of Revenue with the following particulars of analysis of the different Indian Tobaccos:—

No.	TOBACCO SPECIMEN FROM					Per cent of ash.	Per cent of car- bonate of pot- ash in ash.	Per cent of nico- tine.
1	Vizagapatam.	Vizagapatam, No. 1, 1st sort	...	...	...	22.653	12.5	1.41
2	Do.	do. No. 1, 2nd sort	...	...	...	20.185	17.83	1.45
3	Do.	do. ...	...	...	...	26.339	3.29	2.45
4	Do.	Chipparapilly, No. 2	...	...	...	17.544	9.6	2.37
5	Do.	Anakapilly, No. 3	...	...	...	18.592	8.01	5.40
6	Do.	Strungavarapukota, No. 4	...	...	...	20.740	9.91	5.49
7	Do.	Vizianagarum, No. 5	...	...	...	20.411	7.2	4.54
8	Trichinopoly.	Trichinopoly A.	...	...	...	22.829	6.05	2.52
9	Do.	do. B.	...	...	...	21.485	8.16	2.41
10	Do.	do. B.	...	...	...	24.434	5.29	1.83
11	Do.	(Cigars) Talampatty Puloor	...	...	...	20.396	8.25	3.28
12	Do.	(Cigars) Natapur	...	...	...	26.848	4.42	4.55
13	Do.	(Cigars) Valicundapuram	...	...	...	23.108	3.91	4.15
14	Bellary.	Hospet	...	...	...	19.933	3.46	3.74
15	Do.	Raidroog	...	...	...	18.931	13.29	1.70
16	Do.	Harpenhully	...	...	...	20.29	3.75	4.99
17	Do.	Sundoor	...	...	...	20.114	4.40	2.41
18	Nellore.	1st sort	...	...	...	19.422	8.12	2.16
19	Do.	2nd sort	...	...	...	18.606	5.81	1.83
20	Cuddapah.	Pullampet, A.	...	...	...	20.701	4.62	2.03
21	Do.	do. B.	...	...	...	20.507	3.45	1.33
22	Do.	Sidhout, C.	...	...	...	23.951	4.07	2.99
23	Do.	Budwail, E.	...	...	...	22.453	3.71	2.70
24	Do.	Chinniah Dandloor, G.	...	...	...	16.255	4.14	5.1
25	Do.	Prodatore, H. No. 1	...	...	...	21.698	4.49	2.75
26	Do.	do. I, No. 2	...	...	...	16.432	6.15	4.82
27	Do.	Jammalmadugu J.	...	...	...	22.105	3.52	5.07
28	Do.	do. Ponnatolah K. I.	...	...	...	17.327	5.93	5.36
29	Do.	Madanapully P.	...	...	...	18.743	5.95	7.44
30	Do.	do. Q. I.	...	...	...	20.18	2.28	7.23
31	Do.	from Board of Revenue	...	...	...	24.75	4.36	1.70

No.	TOBACCO SPECIMEN FROM							Per cent of ash.	Per cent of carbonate of potash in ash.	Per cent of nicotine.
32	Tanjore.	Tanjore	...	...	...	...	...	20.745	8.71	2.49
33	North Arcot	...	...	...	...	...	...	22.895	10.06	4.40
34	South Arcot,	Ravathavullur	...	...	...	...	...	21.115	11.92	3.99
35	Nilgris,	Todanad	...	...	...	...	...	20.596	29.26	1.43
36	Do.	Koondahs	...	...	...	...	...	17.786	6.37	2.95
37	Kurnool, Nundial	(Masub soil)	...	...	...	...	...	4.030	4.31	1.41
38	Do.	do. (Bagud soil)	...	...	...	...	...	22.535	0.78	2.49
39	Do.	do. (Local soil)	...	...	...	...	...	16.85	9.89	1.33
40	Do.	Markapur	...	...	...	...	...	22.767	3.89	2.45
41	Do.	Cumbum	...	...	...	...	...	19.22	9.77	1.87
42	Coimbatore,	Coimbatore	...	...	...	...	...	22.856	2.94	3.32
43	Do.	do.	...	...	...	...	...	22.606	5.64	4.95
44	Do.	do.	...	...	...	...	...	19.923	7.92	4.90
45	Do.	Pullachy	...	...	...	...	...	24.987	4.39	1.95
46	Do.	Moocaspoodoor	...	...	...	...	...	25.73	7.67	2.24
47	Do.	Coorchy	...	...	...	...	...	26.39	7.93	1.17
48	Do.	Poondoray Semoor	...	...	...	...	...	23.34	2.65	1.29
49	Do.	Aval	...	...	...	...	...	23.49	19.97	1.46
50	Do.	Momgumpollium	...	...	...	...	...	26.65	2.61	2.95
51	Shiraz tobacco from	Tanjore	...	...	...	...	...	22.86	2.99	1.91
52	Cheroots supplied by	Dr. Ross	...	...	...	...	...	28.50	0.39	2.04
53	Do.	made from Shiraz tobacco grown at	Tanjore	...	...	...	...	25.68	5.98	1.67

13. In summing up the results of the above analysis, the chief points to which Mr. Broughton calls attention, are as follows: that the quality of tobacco cannot always be inferred from an analysis, however complete it may be; that chemistry can only lay down the broad proportions in which certain constituents must occur to produce excellence; that the strength of tobacco depends immediately on the amount of contained nicotine; but tobacco containing over four per cent of this powerful alkaloid is strongly intoxicating, while that which contains less than three per cent is called mild; that another important constituent of tobacco of high quality is the organic salts of potash; these in combustion being converted into the carbonates found in the ash; that the permanency and whiteness of the ash entirely depend on the amount of potassic carbonate it contains; and that the presence of nitrates in quantity has no connection with the quality of the tobacco. He further infers that Nos. 1, 2, 4, 7, 8, 9, 11, 15, 18, 32, 39, 41, and 46 in the table of analysis possess, in the main, the qualifications necessary to tobacco of good quality; and is of opinion that the presence of calcic carbonate in abundance in the soil in connection with a comparative absence of potassic salts, must inevitably cause the ash of tobacco to abound in calcic carbonate, and

thus depreciate its quality; that the general inferiority of Indian tobacco is owing to this fact; an examination of the first fifty of the analyses showing that thirty-nine kinds contain less than 9 per cent of potassic carbonate in their ash. Mr. Broughton attaches significance to the fact of the natives in several Districts asserting that tobacco requires to be irrigated from brackish wells, and that river water is prejudicial; that the practice in some parts of sprinkling tobacco in the process of curing with water containing jaggery, and the bark of *acacia arabica* is both useless and injurious; that, in order to cure the very general defect of Indian grown tobacco, the soil should, in addition to cattle manure, be also manured with the ashes of wood or plants burnt on the ground, if possible; that a poor soil and lax cultivation will never produce good tobacco; and that much care to manure it highly, and to cure it with great attention, when harvested, is absolutely necessary.

From these different analyses we see the composition of the plant, and the duty of the cultivator is to furnish the soil, where wanting, with similar elements to enable him to obtain successful results.

(To be continued.)

THE REVENUE REGISTER.

No. 12.]

MADRAS :—TUESDAY, DECEMBER 15, 1874.

[VOL. VIII.]

THE LACCADIVE ISLANDS.

Most of our readers are no doubt familiar with the Laccadive Islands, at least by name; but not many of us know much more about them. We, therefore, propose to devote a few lines to a notice of these islands and their peculiarities. Our attention has been drawn to the subject by an interesting report on them, supplied to us some little time since, by the kindness of the Revenue Secretary to Government. From this report we learn that G. Stokes, Esq., Assistant Collector of South Canara, accompanied by Surgeon-Major Shortt, visited these islands in February 1873. Mr. Stokes tells us that there are ten islands in all, of which five are attached to the District of South Canara, and the remaining five are nominally under the Rajah of Cannanore, but practically are "no man's land," having shaken off the Rajah's authority some years ago. In consequence of this attempt at independence, there has been for some time no government whatever in these five islands; but the people seem to have grown tired of this condition, and are anxious to be governed in the same manner as the five already attached to South Canara. It is, we think, very surprising, and a proof of the naturally good

disposition of the inhabitants of these islands, that Mr. Stokes finds they have not lapsed into anarchy, and that, in fact, the principal result of their freedom has been to infuse into them more life and independence than are to be found in the other islands. The islands and their inhabitants have changed so little in the last few years that, we are told, the report made by Mr. Robinson twenty-five years ago on the Government islands would still apply, even in all its minutiae, to the whole group. It is very unfortunate, so far as our information goes, that the islands should have changed so little, for Mr. Stokes, with commendable economy of time, trouble, and paper, comments and reports only on things needing immediate attention, referring his Collector for further information to the report written by Mr. Robinson twenty-five years ago; and this report, which we cannot but think must be of great interest, we are not so fortunate as to have seen. The planting of cocoanut trees seems to be going on steadily, but the returns were not considered quite reliable, as the officers deputed to count the trees did not do so, contenting themselves with asking the people how many trees they possessed, which led them very naturally to understate the number they actually owned. The population shows a slight tendency to increase;

but has not yet recovered from the outbreak of cholera in 1863. We find that the number of cattle on the islands has decreased since 1866, which is very easily explained by the extension of plantation, and also by the fact that, in one island at least, goats have been ostracized in consequence of the injuries inflicted by them on the cocoanut trees. When it is remembered that the inhabitants of these little islands depend entirely for subsistence on the coir produced by the cocoanuts, we can readily understand the crusade they have preached against such destructive gardeners as goats. From the report, we gather that education has entirely gone out of fashion, if, indeed, it ever had a footing. In one island, only four boys and one girl attend school. On this subject the Board of Revenue remark that "the educational wants of the islands will be best met by introducing, as occasion opens, the system of elementary schools proposed by Mr. Macgregor for the similar Moplah population in Malabar." Amidst this general stagnation it is satisfactory to find that boat building is going on with activity, a sure proof of the substantial prosperity of the people; while the wonderful freedom of the islands from all serious crime, seems to point both to a sufficiency of food and an absence of any sort of rivalry or competition. It seems quite a wonder, in this age of hurry and emulation, to find a corner of the world where these evil causes and their still more evil results are unknown. We do not mean to infer from this that the Laccadive Isles are in all senses "Islands of the Blest;" they are exposed to the same ills as the rest of the world, and seem to suffer terribly from enormous hordes of rats, and from some kind of boring worm that greatly injures the cocoanut trees. Mr. Thomas, then Collector of South Canara, seems to

have sent the islanders a valuable present of mungoses some three or four years ago. Mr. Stokes thought they had done no good, having merely driven the rats up the trees; but it is evident enough that they must have done good service, if not in diminishing the number of rats, at any rate, in preventing their increase, for they have increased and multiplied while depending on the rats for their food. Mr. Thomas afterwards sent the islanders another boon in the shape of owls which, if once they become domesticated, will wage a war of extermination on the rats in the trees, and will, no doubt, drive them down again to the mungoses below; so that the rats, we may easily fancy, will soon be in the position so touchingly described by the ancient Britons in their letter beseeching the aid of the Romans. So far as the fat white worm is concerned, he seems likely to be confronted by the bills of jays which are to be sent over to the rescue of the cocoanuts. Mr. Stokes gives us an interesting account of the coir manufacture and coir monopoly. He does not appear to think that machines for twisting the coir would be of much service; but Mr. Thomas, in his letter, says Dr. Shortt promised him a sample machine, and that, on its receipt, he intended to send one to each island. So far as the monopoly is concerned, whether it will pay, or whether it will not, "it would probably be impossible to devise a system which would be so acceptable and so well suited to the people of these islands and to existing conditions."

In writing of the criminal and civil returns, Mr. Stokes expresses himself as follows:—"I am of the same opinion as my predecessor, in reporting on these Islands, that grave crimes are almost unknown on them. They must be visited, in order that

the stagnation and the monotony of the existence which the inhabitants drag along may be appreciated. In such a state of society, stagnant, civilised in some degree, and orderly, experience in other cases goes, I believe, to show that grave crime is not found. It is not in retired country-districts, where the wheels of life move slowly, that grave crime is common, but in towns where life is busiest. The motives which urge to it are wanting; but further, in this case, the people are all more or less intimately connected and personally known to each other." In fact, for these simple islanders might have been written the verses of Gray's *Elegy*, which run as follows—

Th' applause of listening senates to command,
The threats of pain and ruin to despise,
To scatter plenty o'er a smiling land,
And read their hist'ry in a nation's eyes.

Their lot forbade: nor circumscribed alone
Their growing virtues, *but their crimes confined*;
Forbade to wade through slaughter to a throne,
And shut the gates of mercy on mankind.

The Monegar appears to be the great man on these islands, and to have almost uncontrolled authority. He, however, in fact, resides in Amini, and visits Kiltan and Chetlat only once a year; and we suspect that the Board have discovered the true cause of this irregularity in the fact that the islanders have hitherto been expected to carry the Monegar and staff gratis; whereas, under the new system of payment of hire and batta, more regularity may be expected. Mr. Thomas, in his letter, remarking on a part of the report referring to the complaints of the islanders, says, "in many things they are very children." He may well say so; for Mr. Stokes, in advocating a reduction of peons employed, says, "If it be considered that the peons are needed as Policemen, the want could easily be supplied by giving the Ugranies,

minor officials, some small extra pay, say Rupees 2 a-month each, and requiring them to perform the duties. Force would not often be required with prisoners, as the Monegar states that to confine a man it is only necessary to tell him to sit in a corner with his face to the wall and he does so. There is no place of confinement in Amini; the building of one has been sanctioned, but none has been built." These are docile subjects indeed. The islanders preferred a few complaints, or rather petitions, one of which is that they should be allowed a little more time to pay for the rice supplied to them in 1871; second, that the present Christian Monegar should be removed and a Mussulman appointed; thirdly, that they might have more salt at a cheap rate; fourthly, that the quantity and quality of the rice supplied to them in exchange for their coir should be better; fifthly, that they should enjoy an increased participation in coir profits; sixthly, that the entrances to the lagoons should be cleared; and lastly, that the time for bringing the coir to Mangalore should be extended. On the whole, these petitions seem to have succeeded very well: an additional year was to be allowed the islanders for paying their rice debt; they were to have a Mussulman Monegar, as, owing to the social duties incumbent on a Monegar in the islands, no Christian could properly discharge his duties; a little more salt was to be granted, as an experiment, in order to induce the people to salt some of their fish; the petition as to deterioration in quantity and quality of rice did not seem to be well-founded; the improvements to the harbours were not considered necessary, nor could the boats be allowed to reach Mangalore later with the coir in consequence of the early onset of the monsoon; but the request for an increased participa-

tion in coir profits was granted in this wise. The islanders were to have 25 per cent of the net profits, provided the quantity did not fall below 674 candies, and realized not less than Rupees 40 per candy. Besides these requests preferred by all the islands alike, the people of Kadamat prayed to be permitted to export their coir in their own boats. It appears that out of 111 males on this island, 90 are tenants of the people of Amini; that the people of Amini compel their tenants to send coir in their boats charging them 20 per cent for freight; and that, though the coir of the island of Kadamat is better than that of Amini, the producers reap no advantage, because, as it is exported in the Amini boats, it was paid for and classed the same as the inferior sort produced in Amini. On this point the Board of Revenue ordered that relations of dependence as between islands, *e. g.*, Kadamat on Amini should cease. In consequence of this, the people of Kadamat have since been able to send their coir in their own boats, save the 20 per cent paid to Amini as freight, and also enjoy the advantage of having their coir classed at its own value. Finally, the Board and the Government thanked Mr. Stokes for his interesting report, and remarked that the general question raised by it must lie over pending the necessary action in the Political Department; which, we suppose, means the extending to the islands, formerly belonging to Cannanore, the system of government enjoyed by those attached to South Canara.

CIRCULAR ORDERS OF THE BOARD OF REVENUE.

No. XXXVII.

STANDING No. 275-4.

ADDITION TO ATTACHMENT NOTICE.

*Proceedings of the Board of Revenue, dated
3rd November 1874, No. 3,155.*

THE following addition will be made to Form 5 included in Board's Standing Order, No. 275:—

2. "You will further take notice that from the date of this Attachment Notice until the date of sale of your land hereby attached, you are, and will be held, liable for all kists thereon accruing, and the said kists will be demanded of, and levied from you, as arrears of Land Revenue."

No. XXXVIII.

STANDING No. 131-1.

COWLES FOR CLEARING WASTE LAND OF PRICKLY PEAR.

*Proceedings of the Board of Revenue, dated
21st November 1874, No. 3,348.*

As an inducement to ryots to clear waste land covered with prickly pear, cowles free G. O., dated 29th September 1874, No. 1,236, Revenue Department. of assessment, varying in period from five to ten years at the discretion of the Collector, will in future be granted on the following condition.

2. The extent of land to be cleared yearly will be entered in the cowle; (thus in a five year cowle it will be made a condition that one-fifth of the land is to be cleared yearly), and the forfeiture of the cowle will be the penalty of non-fulfilment of the contract.

OFFICIAL PAPERS.

REVENUE SETTLEMENT AND COLLECTIONS—MADRAS—FUSLY 1282.

*Proceedings of the Madras Government, Revenue Department, 23rd June 1874.**(Concluded from page 348.)*

75. **ARREARS RECOVERABLE AND DOUBTFUL.**—The arrears recoverable and doubtful under all heads appertain to the Districts and to the Fuslies detailed in the accompanying M.S. statement, an abstract of which is as follows:—

ITEMS.	Fusly 1265.	Fusly 1266.	Fusly 1267.	Fusly 1268.	Fusly 1269.	Fusly 1270.	Fusly 1271.	Fusly 1272.	Fusly 1273.	Fusly 1274.	Fusly 1275.	Fusly 1276.	Fusly 1277.	Fusly 1278.	Fusly 1279.	Fusly 1280.	Fusly 1281.	Total.
	RS.	RS.	RS.	RS.	RS.	RS.	RS.	RS.	RS.	RS.	RS.	RS.	RS.	RS.	RS.	RS.	RS.	RS.
Permanently Settled...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Quit-rent on Shrotriem and Inam Villages ...	...	...	...	...	...	60	30	37	35	36	210	204	343	1,168	2,532	4,457	9,637	18,749
Ryotwar ...	2	33	90	185	194	183	221	239	764	438	2,668	3,955	2,879	13,169	30,370	68,279	1,46,507	2,70,176
Miscellaneous ...	...	...	...	...	168	1,409	10,580	1,955	4,700	18,270	13,595	19,141	18,981	23,926	30,229	61,234	1,24,626	3,30,814
Total...	2	33	90	185	362	1,632	10,831	2,231	5,499	18,744	16,473	23,300	22,203	40,612	64,071	2,12,535	6,26,889	10,45,712
Abkari ...	...	...	...	...	...	...	...	...	...	...	...	...	2,523	295	...	4,750	16,506	24,082
Income-tax...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	328	1,436	3,132	4,806
Salt ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	16	16
Total...	2	33	90	185	362	1,652	10,831	2,231	5,499	18,744	16,473	23,300	24,726	40,907	64,399	2,18,729	6,46,543	10,74,706

From the foregoing it will be observed that the arrears at the close of October 1873, after deducting those which the Board have recommended to be written off, amounted to Rupees 10,74,706. The Collectors concerned are requested to take early measures for recovering or otherwise disposing of these balances.

76. COMPARATIVE VIEW OF COLLECTIONS FROM ALL SOURCES, CURRENT AND ARREARS, WITHIN THE FUSLY.—The following statement exhibits the Collections, Current and Arrears, under all heads of Revenue in comparison with the previous years, the result being a net increase of Rupees 9,21,726 in the Collections actually brought into the Treasury over those of Fusly 1281 :—

ITEMS.	FUSLY 1281.			FUSLY 1282.			Increase.	Decrease.
	Current.	Arrears.	Total.	Current.	Arrears.	Total.		
	RS.	RS.	RS.	RS.	RS.	RS.	RS.	RS.
Fusly 1281 ... ..	...	...	...	...	...	...	...	...
" 1282 ... ..	...	...	...	...	...	...	...	...
	7,15,86,020			7,25,07,746				
Increase ...			9,21,726					
Permanently Settled..	40,43,272	11,36,863	51,79,635	42,51,737	8,68,545	51,20,282	.....	59,353
Jodi on Shrotriem Villages	4,92,936	1,37,109	6,30,045	5,16,870	1,39,708	6,56,578	26,533	.....
Ryotwar	319,11,037	32,88,495	351,99,532	332,29,529	29,37,114	361,66,643	9,67,111	.....
Miscellaneous	28,09,692	9,43,598	37,53,290	30,11,815	8,34,762	38,46,577	93,287	.....
Total...	392,56,937	55,05,565	447,62,502	410,09,951	47,80,129	457,90,080	10,27,578	.....
Excise on Spirits and Drugs, (Abkari) ...	53,77,501	5,26,348	59,03,849	56,06,322	4,46,904	60,53,226	1,49,377	.....
Income-tax	6,82,064	77,071	7,59,135	4,84,837	30,650	5,15,487	.....	2,43,648
License-tax	272	.....	272	171	.....	171	.....	101
Salt	128,87,193	838	128,88,031	128,50,954	1,672	128,52,626	.....	35,405
Sea Customs	29,09,871	.....	29,09,871	28,73,145	437	28,73,582	.....	36,289
Land Customs	2,05,900	.....	2,05,900	1,95,369	.....	1,95,369	.....	10,531
Stamps. { Judicial ...	25,16,803	.....	25,16,803	25,40,164	.....	25,40,164	} .....	.....
{ Non-Judicial ...	16,39,657	.....	16,39,657	16,87,041	.....	16,87,041		
	41,56,460	.....	41,56,460	42,27,205	.....	42,27,205		
Total...	262,19,261	6,04,257	268,23,518	262,38,003	4,79,663	267,17,666	.....	1,05,832
Grand Total...	654,76,198	61,09,822	715,86,020	672,47,954	52,59,792	725,07,746	9,21,726	.....

77. GROSE REVENUE AND CHARGES OF COLLECTIONS COMPARED.—The total charges of the year amounted to Rupees 59,96,031, and compared with the preceding year exhibit a net increase of Rupees 36,205.

	Management Charges.	Extra Charges.	Total.
	RS.	RS.	RS.
Fusly 1281	38,82,269	20,77,557	59,59,826
" 1282	39,72,877	20,23,154	59,96,031
Increase...	90,608	Decrease 54,403	Increase 36,205

78. The proportion of charges to receipts under each head of revenue stands as shown in the margin, the total charges bearing to the total receipts the ratio of 8·2 per cent. The corresponding ratio for the previous year was 8·8 per cent. It must, however, be here remarked that the charges shown above do not appear to have been correctly calculated by the Collectors. They include the amounts paid as refunds, and the one-fifth of land revenue charges debitable to "Law and Justice." They do not, moreover, correspond with the sums given by the Accountant-General. Instructions will be issued to the Collectors on the subject, and correct returns will be obtained for the current fusly.

	Total Charges.	Ratio.
	RS.	
Land Revenue	38,42,208	8·3
Abkari	2,51,462	4·1
Income-tax	19,650	3·8
Sea Customs	1,73,634	6·0
Land Customs	17,528	8·9
Salt	14,15,649	11·0
Stamps	2,75,900	6·5
Total ...	59,96,031	8·2

79. EXTENT OF COERCIVE MEASURES USED IN THE REALIZATION OF REVENUE.—The subjoined statement exhibits the extent to which the provisions of the law for the realization of arrears of revenue were enforced :—

DISTRICTS.	PROCESS ISSUED.			ESTIMATED VALUE OF PROPERTY ATTACHED.			PROPERTY SOLD.					
	Number of Villages.	Number of Ryots.	Amount of Arrears.	Land.	Personal Property.	Total.	Land.		Personal property.		Total.	
	NO.	NO.	RS.	RS.	RS.	RS.	Estimated Value.	Value actually sold.	Estimated Value.	Value actually sold.	Estimated Value.	Value actually sold.
Ganjam	773	19,398	1,31,347	423	75,985	76,406	248	11	756	729	1,004	740
Vizagapatam	218	1,639	87,591	10,726	22,298	33,024	5,683	3,267	700	793	6,383	4,060
Godavery	782	8,703	2,13,814	73,887	1,15,320	1,89,107	11,951	10,903	18,612	18,761	30,563	29,664
Kistna	311	2,258	60,833	5,518	43,624	49,142	8,829	2,907	2,650	2,604	6,479	5,511
Nellore	772	42,276	3,34,936	23,546	1,21,910	1,45,456	11,828	6,918	44,421	37,364	56,249	44,282
Cuddapah	536	2,389	23,847	7,562	14,655	22,217	5,268	3,309	6,709	3,400	11,977	6,709
Bellary	712	2,947	39,237	15,677	26,420	42,097	7,553	3,601	3,321	2,451	10,874	6,052
Kurnool	538	5,013	62,428	21,241	5,465	26,706	5,908	5,369	1,152	1,503	7,060	6,872
Madras	17	485	4,210	33,853	937	34,790	3,149	4,767	177	179	3,326	4,946
Chingleput	1,268	21,852	3,94,693	1,79,101	1,98,826	3,77,927	1,01,939	1,06,152	9,058	9,620	1,10,997	1,15,772
North Arcot	2,482	72,437	2,52,623	26,695	74,032	1,00,727	12,644	15,370	37,560	25,255	50,204	40,625
South Arcot	1,706	22,196	4,41,708	89,228	39,519	1,28,747	33,982	52,984	11,071	12,308	45,053	65,292
Tanjore	1,924	7,186	1,60,012	61,965	93,521	1,55,486	28,445	37,075	10,469	12,828	38,914	49,903
Trichinopoly	170	8,522	65,532	26,286	2,948	29,234	4,271	5,576	2,368	3,464	6,639	9,040
Madura	200	1,338	15,373	12,920	1,937	14,857	9,715	8,200	823	954	10,538	9,154
Tinnevely	268	912	44,819	30,646	7,571	38,217	30,646	30,992	7,571	8,342	38,217	39,334
Coimbatore	818	21,456	1,38,764	1,627	1,980	3,607	1,028	1,756	187	268	1,215	2,024
Nilgiris	5	75	2,632	1,926	5	1,931	2,374	2,615	.....	.....	2,374	2,615
Salem	1,498	7,501	77,263	5,847	27,634	33,481	2,578	6,008	1,105	1,498	3,683	7,506
South Canara	37	51	2,807	207	745	1,042	297	297	705	931	1,002	1,228
Malabar	68	490	4,137	945	3,569	4,514	745	515	788	945	1,533	1,460
Total	15,103	249,124	25,08,606	6,29,916	8,78,799	15,08,715	2,84,081	3,08,592	1,60,203	1,44,197	4,44,284	4,52,789

Processes were issued in 15,103 villages against 249,124 ryots for the recovery of Rupees 25,08,606, and property was attached to the estimated value of Rupees 15,08,715. But the value of property actually sold was only Rupees 4,52,789, of which Rupees 3,08,592 represent the value of the puttah lands sold, and Rupees 1,44,197 that of movable property. The amount of arrears for which recourse to law was necessary was greater in Fusly 1282 than in the previous year, and the property sold for arrears was also greater.

The Districts in which the property sold for arrears is remarkably large are those noted below. In the other Districts the property sold in each was below 10,000 Rupees:—

	Fusly 1282.
	RS.
1. Chingleput ...	... 1,15,772
2. South Arcot ...	... 65,292
3. Tanjore ...	... 49,903
4. Nellore ...	... 44,282
5. North Arcot ...	... 40,625
6. Tinnevely ...	... 39,334
7. Godavery ...	... 29,664

The Board are now inquiring into the causes why it has become necessary to employ coercive measures so largely, and a report will be separately submitted to Government on the subject.

80. MISCELLANEOUS SUBJECTS — *Hoonjeram and Palconda estates*.—The results of these estates, it will be observed, are as usual very satisfactory. The estates are rented out for Rupees 1,31,000, and the revenue demand amounted to Rupees 1,58,979, the whole of which, with the exception of Rupees 2,220 was collected by the renters. The renters laid out in Fusly 1282 Rupees 6,395 on

irrigation and other works of agricultural improve-
ment against
Fusly 1281. Fusly 1282.
ACRES. ACRES. Rs. 5,898 in
Sugar-cane ... 507 233 the previous
Paddy ... 8,535 10,156 year. The
Indigo ... 2,153 1,198 marginal
Other Grains. 2,527 2,133 figures indi-
cate the state
Total... 13,722 13,720 of cultivation
in these
estates.

81. THE STATE OF THE TALUK AND VILLAGE ACCOUNTS.—The taluk and village accounts are stated to be generally well kept, except in Ganjam and South Arcot where the Collectors are adopting the necessary measures for improving the present state of things. In Ganjam the Collector states that, owing to the incapacity of the classes employed as Curnam, the accurate preparation of the accounts is a very difficult work, and will take much time and patience before matters are on a really satisfactory footing; and in South Arcot much was done in Fusly 1282 towards examining the accounts, and it is hoped that there will be an improvement next year.

82. SUB-DIVISION OF JOINT LIABILITY OF SHAREHOLDERS IN THE ENFRANCHISED WHOLE INAM VILLAGES UNDER G. O., 18TH OCTOBER 1867, No. 2,451.—No application appears to have been made in any District for the subdivision of whole Inam villages with reference to G. O., dated 18th October 1867, No. 2,451, and the Board fear that the order will remain a dead letter for ever. It is impossible to expect any unity of action among the several sharers in an "Agraharam," and it is not to the interest of these sharers, who are

generally absent from the village, to agree to any such course as that prescribed by the order of Government. The condition of the holders of joint villages is unfortunate. It is not easy to effect sub-divisions owing to accounts of produce not being regularly kept in such villages, and consequently the whole property is often sold for the default of a single shareholder out of many.

83. The Board have not dwelt in this report upon the forest revenue which was placed in their charge for the first time in November 1872, the Collectors not having furnished the necessary returns. It will be duly noticed in the Report for Fusly 1283. A separate Report for the official year 1872-73 has been already forwarded to Government.

Order thereon, 23rd June 1874, No. 770.

THIS Report of the Board of Revenue on the settlement and collections of the revenues of this Presidency for Fusly 1282 (revenue-year ending 30th June 1873) is submitted nearly three months later than

* Para. 1, G. O., the prescribed date,* and dated 11th May the Government must 1869, No. 1,313. request the Board to avoid such delay in future.

2. The gross revenue of the year amounted to Rupees 725,07,746 against Rupees 715,86,020 in the previous year. The increase was Rupees 9,21,726. Compared with the average (Rupees 687,60,464) of the last five years, the revenues show an improvement of Rupees 37,47,282, or nearly $5\frac{1}{2}$ per cent.

3. The total charges of management and collection and other incidental charges amounted to Rupees 59,96,031 against Rupees 59,59,826, showing an increase of Rupees 36,205. The

Board remark that the charges include the amounts paid as refunds, and that instructions will be issued to the Collectors for making their returns more correct; but there was an increase of Rupees 90,608 under "Management Charges," while under "Extra Charges" there was a decrease of Rupees 54,403. The Board should have explained the large increase under the first item. On the whole, however, the ratio of expenditure to the gross revenue was 8.2 per cent against 8.3 per cent in Fusly 1281.

4. The financial result of the administration having thus been briefly stated, the Government will now review the details of the Board's Report.

5. *Season.*—The season was on the whole good. The north-east monsoon particularly was heavy, but the unseasonable and heavy downpour in February did great damage to the crops ready for harvest in North Arcot, South Arcot, and Tanjore. The rain-fall in the Malabar District was fair, but the showers having been unseasonable rendered cultivation very unsuccessful.

6. *Sanitary Condition.*—The sanitary condition of the Presidency during the year was not good. The number of deaths in Fusly 1282 was 505,867 against 445,720 in Fusly 1281. Cholera prevailed in an epidemic form only in three northern Districts, and the total number of deaths from this cause was 6,675 against 11,678 in the pre-

	Fusly 1281.	Fusly 1282.	vious year;
* Small-pox.	29,371	48,921	but small-
Fever ...	187,465	225,414	pox* and
			fever con-

tributed chiefly to increase mortality. On the whole, the death-rate in the year under report was 17.07 per mille against 17.38 in Fusly 1281. As there is a separate department to look after the sanitation of the Presidency, it is unnecessary to enter into this subject further here.

7. Prices.—The following table shows the prices of Fusly 1282 compared with those of the previous five years and the decennial average:—

	FIRST SORT PADDY.			SECOND SORT PADDY.			CHOLUM.			CUMBOO.			RAGGY.			HORSE-GRAM.		
	Price.	Decrease.	Percentage of Decrease.	Price.	Decrease.	Percentage of Decrease.	Price.	Decrease.	Percentage of Decrease.	Price.	Decrease.	Percentage of Decrease.	Price.	Decrease.	Percentage of Decrease.	Price.	Decrease.	Percentage of Decrease.
	RS.			RS.			RS.			RS.			RS.			RS.		
Fusly 1277, per garce ...	183	...	...	164	...	...	209	...	...	191	...	...	202	...	...	233	...	...
Fusly 1278, per garce ...	191	...	...	170	...	...	201	8	4	185	6	3	198	4	2	234	...	...
Fusly 1279, per garce ...	181	10	5	163	7	4	196	5	2	183	2	1	175	23	11	224	10	4
Fusly 1280, per garce ...	146	35	19	131	32	20	166	30	15	149	34	18	143	32	18	185	39	17
Fusly 1281, per garce ...	144	2	1	130	1	1	159	7	4	151	...	...	135	8	6	196	...	...
Fusly 1282, per garce ...	149	...	...	135	...	...	168	...	...	150	1	1	146	...	...	221	...	...
Total...	994	47	...	893	40	...	1,099	50	...	1,009	43	...	999	67	...	1,293	49	...
Average...	166	8	5	149	7	4	183	8	4	168	7	4	166	11	6	215	8	4
Compared with decennial Average...	...	38	20	...	34	20	...	51	23	...	49	25	...	54	27	...	25	10

Prices fell considerably in Fusly 1280, but those of 1282 have slightly risen above those of the two previous years. Compared with the decennial average there is a decrease of 20 per cent on paddy and of between 23 and 27 per cent on dry grains, except horse-grain; the decrease on horse-grain was 10 per cent. The Board point out that the ruling prices are much above the commutation rates in the lately settled Districts, and that there is, therefore, a good margin in favor of the ryots in these at least.

8. *Ryots' Holdings.*—The extent of land occupied on ryotwari tenure in all the Districts, except South Canara, was acres 19,742,748, assessed at Rupees 339,41,516, against acres 19,685, 938, assessed at Rupees 339,37,431, in Fusly 1281, showing an increase of acres 56,810, assessed at Rupees 4,085 :—

9. *Ryotwar Settlement.*—The net ryotwar settlement amounted to Rupees 358,38,619 against Rupees 349,85,370. Of the increase of Rupees 8,53,249, only Rupees 4,085 occurs under Holdings, and the largest portion, or Rupees 6,11,363, is the decrease under Remissions deducted from the assessment on actual holdings. The remainder, Rupees 2,37,801, occurs chiefly under second crop assessment, additional assessment, and water-tax. These results and the increase* in the proportion of the holdings actually cultivated indicate the favorable character of the season in Fusly 1282 compared with Fusly 1281 —

—	Fusly 1281.	Fusly 1282.
	RS.	RS.
Assessment on actual holdings...	339,37,431	339,41,516
Deduct waste remitted ...	6,13,261	3,56,558
Remainder ...	333,24,170	335,84,958
Add second crop assessment ...	5,77,025	6,75,153
Additional assessment ...	5,22,251	6,25,255
Water-tax ...	13,47,655	13,83,163
Revenue of South Canara ...	12,75,496	12,76,657
	370,46,597	375,45,186
Deduct Remissions ...	20,61,227	17,06,567
Net Settlement...	349,85,370	358,88,619

	Dry.	Wet.	Total.
	Percentage.	Percentage.	
* Fusly 1281 ...	88·8	92·1	89·5
" 1282 ...	90·	94·6	90·8

10. The proposal in paragraph 21 of the Board's Proceedings, that all charges on account of water, whether charged at fixed rates or with reference to the difference between wet and dry assessment, should be shown as "Water-tax" instead of under "Additional Assessment," is approved.

11. *Remissions.*—On the whole, there was a decrease of Rupees 6,11,363 under Remissions, and the greater portion of this, or Rupees 5,39,720, occurred under "Waste and Occasional Remissions," which are influenced by the season. The remainder, Rupees 71,643, is the decrease under "Fixed Remissions" and "Deductions from the demand on account of remuneration to village servants, road-cess, &c." chiefly due to the deductions in the preceding year of the *merahs* or sums due to village servants in the District of Trichinopoly for two years.

12. *Peishcush or Zemindari Revenue.*—The demand on account of peishcush amounted to Rupees 51,16,332 against Rupees 51,29,464 in Fusly 1281. The decrease of Rupees 13,132 is chiefly the result of the deduction of Rupees 13,000 made from the peishcush of the Zemindar of Kalastry on account of the loss sustained by him in consequence of the abolition of the *Motorpha* tax in his estates both in North Arcot and Nellore Districts.

13. *Shrotriem and Inam Quit-rent.*—The demand under Shrotriem and Inam quit-rent has risen from Rupees 6,39,015 in Fusly 1281 to Rupees 6,42,181 in Fusly 1282, in consequence of the operation of the Inam Rules authorizing the enfranchisement of Inams.

14. *Miscellaneous.*—The demand under "Miscellaneous" amounted to Rupees 39,07,999 against Rupees 37,52,481 in Fusly 1281, and the net increase of Rupees 1,55,518 is the result of a gross increase of Rupees 2,83,544 and a gross decrease of 1,28,026. The increase occurred chiefly (1) under lands cultivated but not included in the Jammahbundy, owing to the commencement of the Settlement earlier than usual in some of the Districts; (2), under rents of islands situated in rivers, in consequence of the islands in the Godavery District having been rented out for larger sums; (3), under grazing-tax or grass rent in the Nellore District; (4), under cultivation of poramboke lands; and (5), under sundry Inams which were charged for excesses in the areas discovered by the survey in Godavery and Nellore Districts. The decrease which occurred chiefly in Malabar and Trichinopoly is owing to the diminished sales of escheated lands in the former District and to the smaller amount of concealed cultivation brought to account in the year in the latter.

15. The total Land-revenue demand amounted to Rupees 455,05,131 against Rs. 445,06,331 in Fusly 1281.

16. *Special Products.*—There was a decrease in the area under Sugar-cane and an increase under Cotton and Indigo. These variations do not call for particular remarks. They are dependent more or less on the season and the demand in the market for the products.

17. The demand on account of sundry sources of revenue is shown in the subjoined statement:—

ITEMS.	Fusly 1281.	Fusly 1282.	Difference.
	RS.	RS.	RS.
Abkari ...	58,23,714	60,22,779	+ 1,99,065
Income-tax ...	7,24,098	4,95,639	+ 2,28,459
License-tax ...	272	171	+ 101
Salt ...	128,88,940	128,51,911	+ 37,029
Sea Customs ...	29,10,308	28,73,582	+ 36,726
Land Customs ...	2,05,900	1,95,369	+ 10,531
Stamps... { Judicial or Court Fees ...	25,16,803	25,40,164	+ 23,361
{ Non-judicial ...	16,39,657	16,87,041	+ 47,384
Total ...	41,56,460	42,27,205	+ 70,745
	267,09,692	266,66,656	- 43,036

18. *Abkari.*—The increase of Rs. 1,99,065 under Abkari is chiefly the result of the great competition at the sales of the farms at the commencement of the fusly in those Districts in which the revenue is farmed out at auctions. The excise system was introduced into five Districts* and is on its trial.

19. *Income-tax.*—The decrease under Income-tax is the result of the exemption of incomes below Rupees 1,000 from tax by Act VIII of 1872, as well as of the total abolition of the tax from 1st April 1873.

20. *Salt.*—On the whole, there was a decrease of Rs. 37,029 under "Salt." The sales under "Home consumption" show an increase of maunds 46,029 in quantity, and of Rupees 96,821 in the revenue. But under "Inland consumption" there is a decrease of maunds 102,936 in the quantity, and of Rupees 1,24,853 in the revenue. The Board, in paragraph 47 of their Proceedings, attribute this result to temporary causes; but the figures in the subjoined statement show that the present monopoly price of Rupees 2 the Indian maund has checked consumption, and that the recent extensions of the railway have not counteracted the effect of the price introduced in October 1869:—

FUSLIES.	Home Consumption.	Inland Consumption.	Monopoly price Rs. 1-11-0 the maund throughout each of these years.	Monopoly price Rupees 2 the maund throughout each of these years.
	IN. MD.	IN. MD.		
1276 ...	3,411,149	3,584,818		
1277 ...	3,309,328	3,118,541		
1278 ...	3,456,572	3,305,403		
Average ...	3,392,349	3,336,254		
1280 ...	3,380,653	3,034,397		
1281 ...	3,320,965	3,242,157		
1282 ...	3,366,994	3,139,221		
Average ...	3,356,204	3,138,591		

21. The total available quantity of salt in the year was Indian maunds 13,807,872; the sales, including wastage written off, amounted to Indian maunds 6,915,910, and the balance left at the close of the fusly was Indian maunds 6,891,962 against Indian maunds 7,904,996 at the commencement of the year. The stock is very low, and it is particularly so in the Districts noted in the subjoined statement. The Board explain that in Chingleput, South Arcot, and Tanjore, the season was very adverse to salt manufacture, and in Tinnevely the Collector reports that a smaller quantity was manufactured, but why is not stated. The Government trust that the Board keep themselves informed of the progress of manufacture in these Districts, and take timely steps to lay in the usual quantity.

Balance at the close of the Year.	IN. MD.	1,280,262	123,642	164,686	373,326
Sales, &c.	IN. MD.	1,562,804	391,397	707,508	553,627
Total.	IN. MD.	2,843,066	515,039	872,194	926,953
Quantity received into store during the Year.	IN. MD.	685,451	58,811	432,624	464,796
Balance at the commencement of the Year.	IN. MD.	2,157,615	456,228	439,570	462,157
DISTRICTS.		Chingleput	South Arcot	Tanjore	Tinnevely

22. The total charges of the Salt Department amounted to Rupees 14,15,649, or a little more than 11 per cent on the gross revenue, against Rupees 15,79,800, or 12½ per cent in Fusly 1281, and the decrease of Rupees 1,64,151 is chiefly the result of the smaller quantity manufactured during the year for reasons

already stated. Works of "Petty construction and repairs" have received much attention, and the sum spent under this head amounted to Rupees 1,86,382 against Rupees 1,75,391 in Fusly 1281.

23. The net salt-revenue of the year was Rupees 114,36,977 against Rupees 113,07,393 in Fusly 1281.

24. The total wastage of salt in the year amounted to Indian maunds 313,333-30 against 174,501-35 in Fusly 1281. The large increase, which occurred chiefly in the Districts of Vizagapatam, Chingleput, South Arcot, and Tanjore, is attributed to the heavy rains of 1871 and 1872 and to defective storage in the Chingleput District. Sanction is granted for writing off the wastage. The Government observe that in the other Districts the ratio of the wastage to the contents of the heaps was moderate.

25. *Sea Customs.*—The decrease of Rupees 36,727 under "Sea Customs" is small, and is owing chiefly to the smaller exports of cocoanut oil and pepper from Malabar, to smaller importations of cotton piece-goods and thread in Tinnevely, and to the falling off in the export trade in paddy in Vizagapatam, Godavery, and South Arcot.

26. *Land Customs.*—The decrease of Rupees 10,531 under "Land Customs" occurred chiefly in South Arcot, and is not explained.

27. *Stamps.*—Under Stamps, there was an increase of Rupees 70,745—Rupees 23,361 under Court Fees and Rupees 47,384 under General and Non-judicial Stamps: the former is the result of a moderate increase in litigation, and the payment of batta for the service of processes in stamps; the latter is owing to the growing prosperity of the country.

28. *Demand, Collection, and Balance of Current Revenue.*—The total demand on account of all sources of revenue amounted to Rupees 721,71,787. Of this, Rupees 672,47,954, or 93·2 per cent, were collected within the fusly, and the balance at the close of the fusly was Rupees 48,92,267, exclusive of remissions under "Abkari" and "Income-tax." This balance was, however, reduced to Rupees 13,86,252, or 1·9 per cent, by subsequent collections up to 31st October 1873. On the whole, the collections were satisfactory, and the explanation given in paragraphs 57 to 62 for the balances is accepted. The balances in the

Districts noted in the margin are large. As usual, the arrear in the Chingleput District is heavy, and this, the Board state, is owing to the desire on the part of the Mirassidars to retain more land in their puttahs than they have the

	PER CENT.
Chingleput	... 6
Madura	... 5·12
Salem	... 4·19
Ganjam	... 3·43
North Arcot	... 3·17
Nellore	... 3·13

means to cultivate efficiently and pay for. The Government will await the explanation of the Collector called for in paragraph 18 of their Proceedings, dated 20th February 1874, No. 232.

29. *Demand, Collection, and Balance of Ar-rears.*—The entire demand on account of ar-rears amounted to Rupees 68,95,020, and deducting the collections and remissions up to October 1873 the balance left was Rupees 14,35,489. Of this sum the Board report Rupees 3,60,782 (inclusive of the amount recommended to be written off in the Settlement Report for Fusly 1281, and sanctioned in paragraph 19 of the order of Government, dated 20th February 1874, No. 232) to be irrecoverable. Under the explanation given in paragraphs 66 to 72 of the Board's Report, sanction is now granted for writing off Rupees 1,79,710-10-9.

30. Under the circumstances stated in paragraph 74, sanction is also granted for writing off the sum of Rupees 14,205-3-2 appertaining to the demand of Fusly 1282.

31. Several of the unsettled balances of old date in the Districts of Madura and Kistna, noticed in the Proceedings of Government, dated 20th February 1874, No. 232, paragraph 20, have not been disposed of in Fusly 1282. The balances under Miscellaneous in the Chingleput District are also of old date. The appearance of these sums in the returns for Fusly 1283 will be severely noticed.

32. The extent to which coercive process was used in Fusly 1282 for realizing the revenue is shown in the margin. Although there was a decrease in the number of ryots against whom processes were issued and in the value of movable property sold, there was a large increase in the sale of landed property. The amount realized by the sale of lands in the district of Chingleput alone was Rupees 1,06,152, while the average of the other Districts was 10,122. The separate and special report of the Board regarding these sales is now under the consideration of Government, and the subject will not, therefore, be further noticed here.

33. The taluk and village accounts are stated to be well kept, except in Ganjam and South Arcot, and steps are being taken by the Collectors to improve the existing state of things in those Districts.

(True Extract.)

(Signed) C. G. MASTER,

Acting Secretary to Government.

WATER RATE RULES—KISTNA AND GODAVERY DELTAS.

Proceedings of the Madras Government, Revenue Department, 11th July 1874.

Read the following Proceedings of the Board of Revenue, dated 17th June 1874, No. 1,477:—

Read the following letter from W. S. FOSTER, Esq., Acting Collector of the Godavery District, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Cocanada, 29th April 1874, No. 113:—

My attention was drawn to the severity of the provision in the new Water-tax Rules sanctioned by Government, in regard to the charge for water on sugar-cane and other garden produce paying Rupees 8 an acre. The Rules provide that where a field is very large or where a portion is not irrigable, a sub-division may be made, but that in other cases the whole field being irrigable, the whole should be paid on. The cultivation of sugar-cane is likely to be affected in a great measure if this rule were adopted. There is no question that several of the fields in which sugar-cane is cultivated, are irrigable, and there is no question generally that the area of those fields is not very large, but for the cultivation of the peculiarly expensive crop of sugar-cane, so that sub-dividing fields for the sugar-cane crop is not within the rule. This is one of the special crops whose cultivation we are to encourage, rather than discourage or curtail, and we cannot help allowing it to suffer if the whole field is charged, unless formally sub-divided. The same piece of land is not cultivated every year with this special product, the land becoming poor, and the extent generally cultivated is an acre or two by a well-to-do ryot. Every field, therefore, has to be sub-divided into pieces of 2 or 3 acres, thereby virtually doing away with the usefulness of the original survey, and the number of fields is so large, that it is almost impossible to carry out this measure. I would, therefore, propose that a rule be passed, allowing the Revenue Officers to charge the cultivation of sugar-cane and similar special crops paying 8 Rupees an acre in lots of 2 acres, counting the fractions below 2 acres as 2 full acres. On this subject, I beg to refer the Board to their Proceedings of the 3rd August 1868, No. 5,626, and the correspondence therewith connected.

2. Mr. Horsfall, the late Sub-Collector, also suggests the course I have now recommended, as can be seen from the accompanying copy of his letter of the 30th March 1874, No. 88.

3. I should have proposed this rule when I had sent my remarks on the Draft Water-tax Rules, but I had then proposed that the actually irrigated land should be charged for water

whatever the crop might be: in this case, the difficulty now complained of could not have appeared.

4. I would propose the rule as follows:—If portions of fields are cultivated with sugar-cane or other crops which pay 8 Rupees per acre for water, water-rate will be charged at the rate of 8 Rupees per acre on the extent cultivated with such crop, and 4 Rupees an acre on the rest of the field.

In calculating the extent cultivated with sugar-cane, &c., every piece of land less than 2 acres will be charged as 2 acres.

ENCLOSURE No. 1.

From J. G. HORSFALL, Esq., Sub-Collector, to W. S. FOSTER, Esq., Acting Collector of the Godavery District, dated Rajahmundry, 30th March 1874, No. 88.

I beg to draw your attention to the following subject:—

Section 4, Rule I of the new Water-tax Rules, contemplates a charge of Rupees 8 an acre for sugar-cane.

2. Section 6 of the same rule directs that ryots taking water for a portion of a field should be charged on the whole unless the sub-division and irrigation of a particular portion has been previously sanctioned by the Collector.

3. This section either renders the sub-division of several survey fields necessary, or curtails the cultivation of sugar-cane, if sub-division is refused.

4. You are aware that a ryot of ordinary circumstances cannot afford to cultivate more than 1 or 2 acres with sugar-cane, and cannot afford to pay water-tax at Rupees 8 an acre on full fields.

5. The same plot which is cultivated with sugar-cane in one year cannot be cultivated with the same crop for at least two succeeding seasons, consequently ryots vary the place of sugar-cane every year and apply for sub-division.

6. On a reference made by me in 1868, the Board authorized the charge of water-tax for sugar-cane on a scale of 2 acres (counting fractions of 2 acres as 2 acres), and I believe that this rule, if re-introduced, will render sub-division of fields unnecessary, and will not obstruct sugar-cane cultivation as the present rule must, as it stands, necessarily do. I would apply the rule to all crops upon which a charge of Rupees 8 per acre is made for water.

(True Copy.)

(Signed) W. S. FOSTER,
Acting Collector.

Submitted for the orders of Government.

2. The Board proposed that ryots taking water for a portion of a field should be charged for that portion only, but Government disapproved and the rule now stands thus:

“Ryots taking water for a portion of a field will be charged on the whole unless the sub-division and irrigation of a particular portion has been previously sanctioned by the Collector.”

3. Mr. Foster points out that this rule is so harsh with regard to sugar-cane cultivation which pays Rupees 8 an acre and usually covers only a small portion of a field that it must discourage such cultivation.

4. He proposes that there should be a special rule in favor of sugar-cane cultivation providing that when portions of fields are irrigated for this crop water-rate shall be charged only on the extent cultivated, provided that portions less than 2 acres in extent shall be charged as 2 acres.

5. The Board are strongly of opinion that liberality in this matter is expedient both for the people and the State. They would like to see the rule they proposed adopted now, but if this cannot be done, Mr. Foster's rule should certainly be allowed, the 2 acre minimum being reduced to 1 acre. Under the general Water-rate Rules which have been approved by Government the minimum is half an acre.

Order thereon, 11th July 1874, No. 864.

On a reconsideration of the question referred to in paragraph 5, G. O., dated 16th June 1873, No. 617, the Governor in Council approves of a modification of Clause 6, Rule I of the Rules for levying water-rate in the Kistna and Godavery Deltas by the following addition thereto:—

“If portions of fields are cultivated with sugar-cane or other crops which pay Rupees 8 per acre for water, water-rate at Rupees 8 per acre will be charged on the extent cultivated with such crops, half an acre being the minimum extent recognized for the purpose of this Rule.”

2. With respect to the rule as originally proposed by the Board and negatived in paragraph 5, G. O., dated 16th June 1873, No. 617, the Governor in Council desires that if the Board are still in favor of a further relaxation they will report in full their reasons after weighing the several disadvantages which such a course would involve.

(True Extract.)

(Signed) C. G. MASTER,
Acting Secretary to Government.

Mr. HANNYNGTON'S REPORT ON THE ANAMALLAY HILLS—COIMBATORE DISTRICT.

Proceedings of the Madras Government, Revenue Department, 3rd August 1874.

Read the following papers:—

From J. C. HANNYNGTON, Esq., M.C.S., to C. G. MASTER, Esq., Acting Secretary to Government, Revenue Department, dated Salem, 23rd June 1874:—

HAVING visited the Anamallay Hills during the late recess of my Court, and having, during my leisure hours, jotted down notes of such points as struck me as being of interest, and having also surveyed and sketched a portion of the upper plateau, I think that perhaps the results of my trip may not be without interest to Government.

2. I have, therefore, the honor to forward herewith eighteen photographs, being three copies each of six views, together with a report, and also a map of Michael's Valley and part of the adjacent country, for the kind acceptance of Government.

3. Being myself a very indifferent draughtsman, I have had the map tolerably copied on a reduced scale of 2,000 yards to the inch. I however also forward my own rough sketch, which is somewhat more accurate, together with a plan on the same scale showing the principal triangles from which the map is worked, and any intelligent draughtsman can from these construct a map to any desired scale.

4. I do not, however, claim extreme accuracy for my map, the survey having been carried out with a rather coarse instrument; and I would suggest that if any thing be done with the report and map, that the most the map is worth in its unfinished state, is to be copied on the scale, say, of a mile to the inch in a clear bold manner, and have the copy photographed.

5. I had intended sketching the whole of the upper plateau, but was prevented by various circumstances; perhaps, next year I may be able to complete the sketch; but considering the uncertainty of all human affairs, I have considered it best to send in the report and map, as it stands, in its unfinished condition.

ENCLOSURE No. 1.

Early in the year 1863, having obtained three months' leave, I was advised by Colonel Michael to explore the higher ranges of the Anamallays for sporting purposes.

2. Colonel Michael proposed to me that I should essay a route which had not previously

been tried, viz., by Dhullee, Poondy, and Appia mountain.

3. I accomplished the ascent to Michael's Valley easily in three marches from Dhullee, and was subsequently joined by Captains Michael and Hill, who, however, remained but a short time owing to the illness of Captain Hill.

4. The general results of Captain Michael's visit on this occasion are embodied in his report to Government, dated 15th April 1863. Immediately after this trip, Captain Michael was attacked with a serious illness, and Captain Hill died; but the illness of neither of these gentlemen was attributable to their visit to the Anamallays, yet the accidental incident served to give to the upper ranges an evil character for unhealthiness which belongs by right to the lower part of the hills only.

5. In 1865, Colonel Douglas Hamilton and Mr. Faulkner (17th Lancers) visited the upper ranges, and remained there about two months; the account of this trip is contained in Colonel Hamilton's interesting report, dated 18th December 1865.

6. Several parties have since visited the upper plateau, but, owing to the difficulty of access and the bad odor for fever that the name "Anamallay" has obtained, this truly magnificent country has not received the attention it deserves.

7. The obscurity in which the spot is buried is, I doubt not, in some measure owing to the inaccuracy of the existing maps, an examination of which would lead to no idea of the existence of such an extensive and salubrious plateau.

8. In view, therefore, partly to the enjoyment of the loveliest scenery and most delicious climate in South India, and partly to render the same pleasures available to others, I resolved to spend a portion of the recess of 1874 in exploring and perhaps mapping out the plateau; and though, owing to very unfavorable weather, a strained ankle, and other circumstances, my explorations were curtailed, still the results, as far as they go, may be of use to others who may be led to follow and proceed beyond my footsteps.

9. It is needless to say that preparations must be made beforehand. Coolies from the low country are very unwilling to go up these hills, and though I did, on this occasion, obtain the services of five low-country volunteers, the unfortunately stormy weather soon drove my allies to the plains again.

10. I ascended on this occasion by the old route *vid* Appia Mallay. The ascent by this route has been so well and carefully described

by Colonels Michael and Hamilton that it needs but brief notice.

11. I reached the foot of the Poondy Ghaut (some six miles from Dhnlee) about midnight, and at early dawn on the 23rd April commenced the ascent. The ghaut is impracticable for horses or laden bullocks.

12. It is well to remember that the Puliaris, who reside at Mavadop, Poondy, and Kurumallay, and who are the only available coolies, carry their burdens on their backs, not on their heads, and loads should be arranged accordingly. As the ascent is, moreover, steep, and the men not very strong, no load should much exceed 35lbs.

13. The Puliaris have brought to perfection the art of making language,—a vehicle whereby to conceal their thoughts.

14. The steep ascent to the plateau on which the village of Poondy stands is about 1,500 feet in two miles; there is then a gentle rise for about three miles to the foot of Appia ridge, and then an abrupt rise to the top of the ridge.

15. The view of Kokanamallay from the plateau is very beautiful (Photograph No. 1).

16. The plateau of Poondy is exceedingly dangerous as regards fever (the elevation being about 2,850 feet), and servants or low-country coolies should on no account be allowed to sleep at Poondy, though they will invariably petition to be allowed to do so. Appia ridge is, however, I believe perfectly safe. The only case of sickness amongst my followers was that of a man who, in disobedience to orders, left Appia ridge and slept two nights in Poondy. He contracted a very severe fever.

17. Good drinking water is to be had on Appia ridge at all seasons; there are two or three springs. No rain had fallen for about six months prior to my arrival, nevertheless there was sufficient, running, pure water.

18. The spot makes a very fair camping ground, being sheltered and tolerably level.

19. The height is about 3,940 feet above the sea (Barometer 25.84), and the Thermometer read on this occasion, in the shade, noon 82°, 9 P.M. 79°, 6 A.M. 67°,—a very delightful and equable temperature.

20. The view of the Toracadavu Valley from the saddle of the ridge would alone repay the trouble of the journey from Coimbatore. To the immediate left lies Appia Mallay; next comes a hill called Parienga; beyond this towers the lofty form of Kokanamallay,—one mass of precipices and quaintly shaped peaks; in front, due south, in the extreme distance, is the green

summit of Shadiandy peak; on the right of the valley towers the huge grey rock of Tangachy attended by her sister the Akka; towards the west, and behind these, stretches the long grassy back of Poliary.

21. Much of the fine forest of the valley has been destroyed by the erratic and destructive cultivation of the Muduvers.

22. By making an early start from Appia ridge, the fatigue of the next march is much reduced, as the path, which runs along the eastern side of the valley, is shaded by the mountains from the morning sun.

23. The view of Tangachy and Akka in the morning light, with the light mist touching their foreheads and their feet hidden in the dark-forest, struck me as very beautiful. Photograph No. 2 gives a very faint idea of the scene.

24. The first part of the walk is annoying, being up and down over a series of ridges and valleys; but after about four or five miles the path enters the forest, and the ascent is more equable. The Toracadavu river is crossed at an elevation of 4,600 feet, and a quarter of an hour's walk leads to the open grass, when half an hour more up a very steep incline brings one to a stream called Seringanacolum. Here there is a fair camping ground, being the spot where the expedition of 1858 under Dr. Cleghorn encamped.

25. For bad weather, however, it is worth knowing that there is a cave and tolerably snug camping ground in the sholah at the back of the usual camp. There are also plenty of leeches.

26. Seringanacolum is situated on the slope of Poliary at a height of 5,760 feet (Baro. 24.15), and commands a lovely view of the valley looking down towards the north.

27. It is easy for a good walker to reach Michael's Valley in one march from Appia ridge, but, on the whole, it is more comfortable to halt at Seringanacolum on account of one's coolies.

28. The next morning's march takes one easily to Michael's Valley. The route is through open grass for about two miles (the lower path being the best) to Kutherikutti ridge, and thence about four miles through undulating forest.

29. No mistake can be made as to the usual place for camping, which is certainly the most convenient spot for head-quarters to travellers by this route. It is well sheltered, well watered, and there is a very good cave and camping ground for one's followers in the sholah close at hand.

30. The Australian trees (Robusta) and some apple and pear trees planted by Colonel Hamilton and other visitors were a few days before my arrival carefully eradicated by an elephant, who seemed to have fully recognized them to be foreigners, and resented their presence as an intrusion of civilization upon his domain!

31. The camp is situated at the tail of the northern stream of Michael's Valley, and is separated from the main valley by a thin strip of forest and a low ridge of hills. The height is about 6,060 feet (Baro. 23·89). The climate is cooler than the elevation would lead one to expect.

32. On the 28th February 1863, the water in a brass basin outside my tent and at a height of two feet from the ground froze completely over. The mean temperatures in the shade from 26th April to 5th May 1874 were—

Mean maximum	...	...	76°·2
Mean minimum	...	...	53°·4

The temperatures at the Wellington Observatory for the same period were—

Mean maximum	..	...	73°·7
Mean minimum	...	...	57°·1

33. The elevation of the two observatories (Wellington and Conalaur) being the same as nearly as possible, it will be remarked that, although the mean temperature is about equal, the extremes are greater at Conalaur. This may partly, but not entirely, be accounted for by the observations at Conalaur being taken in a valley.

34. The Photograph No. 3 taken from Palmallay (best known to Europeans as Binocular Hill) gives a very fair idea of Michael's Valley.

35. The hill at the head of the valley is Aneitallei or the Elephant's Head. Photographs Nos. 4 and 5 are taken from points near the foot of Aneitallei.

36. From the foot of this hill rise two streams, one of which meanders round the southern valley, and the other flows in a more direct line past the camp, and is known by the name Conalaur. These two streams unite at the foot of Palmallay in the midst of dense forest, and form a beautiful waterfall. The stream thence takes, I believe, the name of "Torakadavu."

37. An elephant path (which may be faintly traced in Photograph No. 3) leads along the ridge dividing the two valleys from the foot of Palmally to the very head of the valley. The gradient is very easy, and the path so good that in its present state it might be galloped over.

38. There is no good path up the valley in which the camp is situated.

39. The southern valley is wonderfully level all along the borders of the stream. The stream is bordered by marsh, and the fall in two miles does not exceed 30 feet. It would be a capital spot for an amateur engineer to silt a bund across, at his own expense.

40. The greater part of the valley consists of a series of rolling hills, with a few small sholahs here and there.

41. Palmallay, which is within half an hour's walk of camp, is well worth a visit, not merely on account of the views from its summit, but also on account of some very curious natural caves which exist in the face of its rocky peak. Two of these which I failed to reach may be seen from the camp with the aid of a telescope. They appear as round holes in the face of the rock. One which is on the south face of the hill is easily reached, and is used as a shooting lodge by the Muduvers. It forms a very snug habitation, and is depicted in Photograph No. 6. In the foreground of this picture may be seen the horns of a good buck Ibex (*C. Hyllocria*), and it is a curious fact that the horns found about the old encampments are almost always those of old bucks. This may be accounted for by the method in which the Ibex are pursued; the herds being driven into set nooses as described by Colonel Hamilton, and the old bucks being the most wary, are the first to make off, and are consequently the first to be caught. Victims to their own caution!

42. There is a good deal of fine country worth exploring on the western slopes of Poliary. On the whole, the best way to ascend Poliary from camp is to go up the elephant path I have before alluded to as going up the ridge dividing Michael's Valley, until opposite the waterfall shown in the map, then strike down into the northern valley, and proceed up the stream and past the cave (also marked in the map).

43. This cave is exceedingly comfortable and convenient; it contains a spring of exquisitely pure water, and one can put up in it for a night, and thence explore Akka, Tangachy, and the Poliary slopes without the trouble and exertion of carrying tents or of toiling up and down the steep slope of Poliary.

44. The honey to the west of Michael's Valley and on the western slopes of Poliary is collected by the Mavadop Puliars. The right of collecting the honey in the valley and in the jungles to the east is held by the Poondy and Kurumallay Puliars. A path, which runs along the ridge of Poliary, leads to Mavadop and, I presume, to the Coffee estates on Punachymallay.

45. There is evidently good camping ground on the slopes, and the Mavadop men informed

mo that there is a cave which they frequent in their honey-gathering expeditions.

46. The path which leads to Kumaricul, which is referred to in Colonel Michael's report, is indicated with sufficient accuracy in the map. The same path leads to Kathumallay (Windy Mountain) and Aneimudi.

47. Continual rain and the cyclone of the 6th May, which severely tested the endurance of my little shikar tent, prevented my exploring beyond Kumaricul, and on the 12th May I was compelled by various circumstances to start on the downward journey. I sent the greater part of my kit by a short route past Palmallay and through the forest to Viramputti, whilst I myself went round by Shadiandi Hill.

48. The best and easiest route is that which is marked on the map as "uncertain." There is, however, but little doubt in my mind, from the information I extracted from the Puliars, that this uncertain route might be traversed on horseback.

49. The lower route which I adopted is in parts somewhat steep, and finally joins the short route, *viâ* Palmallay, not far from a camp of the Puliars called Viramputti. There is no cave at Viramputti, and it is necessary to pitch tents or build huts.

50. By going the upper route, however, one is led to an excellent cave, which I have marked on the map; but this cave is not large enough for oneself and many followers.

51. By a stream not far from this cave is a spot held sacred by the Muduvers. The only things to be seen are some small iron tridents stuck upright, and a few pieces of iron in the shape of spear heads and knives laid before these, apparently as offerings. I found a similar shrino close to the cave on Poliary, and another also on Poliary, immediately opposite the Akka.

52. Viramputti and the cave, which is about a mile east of Viramputti, are situated on a grassy plateau of moderate extent called by the Puliars by the general name of Poinkuttimallay, the general elevation being about 7,000 feet.

53. An exceedingly easy path leads from this to Melkurumallay, a distance of about six miles. There is only one portion of this path, extending for a quarter of a mile, which is inaccessible to ponies. This quarter of a mile is, however, very steep and precipitous indeed.

54. I am assured by the Puliars that there is a circuitous route through the forest to the west by which a pony might be taken, and if a pony could be taken to Kurumallay this route would be well worth exploring.

55. Melkurumallay may, I think, be considered a safe halting place, the height being 4,340 feet (Baro. 25.45). There is excellent camping

ground and a spacious cave. The ground is open and well watered.

56. Keelkurumallay, which is a considerable Pular village, is about two miles from Melkurumallay, is quite a thousand feet lower, and is not at all safe from fever.

57. A steep ghant impassable for iron-shod ponies leads in some five miles to the pretty Pular temple called Thirumurthy Coil. The temple is quite in the plains, on a level with and but five miles distant from Dhullee, to which it is connected by a capital bandy-track.

58. I strongly recommend this new route by which I descended to future visitors of the higher ranges. In the first place, the ascent is easier, and the first march takes one to better and more convenient camping ground, namely, Melkurumallay. Then the second march takes one in two and-a-half or three hours' easy walking to a fine open plateau at a height of 7,000 feet. A good walker could easily reach Shadiandimallay in one march from Melkurumallay, and thus at once reach, in fact, the centre of the Anamallay plateau.

59. I have no doubt that any one who tries this new route will prefer it to the other. To those who desire especially to visit the Aneimudi plateau mentioned by Colonel Hamilton this new route is in every respect preferable. The scenery is fully as beautiful, if not so grand, as in the other route. Moreover, the road between Dhullee and Kurumallay is full of interest. The tombs of the Naicks near Dhullee and the Thirumurthy Coil are well worth some time spent in examining them.

60. With reference to the map which accompanies this sketch, I think it may be accepted as fairly correct in detail. I do not profess it to be full in detail, but it is full enough and accurate enough for all present practical purposes. It is, however, the maiden effort of an amateur, and the scientific may regard it as the innocent recreation of an Indian Judge! Probably, the distant points, such as Kumaricul, Kathumallay, and Poinkutti, are *within* 300 yards of truth; the nearer points about the valley must be very nearly correct.

61. The names have been entered as pronounced by the Puliars, and certainly it is difficult to recognize some of them as compared with the names entered in the Ordnance Map. Many of the names in the Ordnance Map I could not identify at all. What is entered in the Ordnance Map as Culadacuttimallay is known to the Puliars as Karutheikutti, "the Hill of the tied Ass;" Kanthumallay is Káthumallay, "the Windy Hill."

62. The Puliars say that the names of Kutherikutti ridge and Karutheikutti Hill are

derived from the fact that in days gone by, certain Mahrattas, returning from a marauding expedition across these hills, found themselves unable to take the horses and donkeys which formed part of their booty further than the edge of the ghauts, and therefore abandoned them on the hills, and that the above-named spots are the sites of their encampments. I think, however, these ingenious gentlemen (the Puliars) told a Mr. Payne a very different story some years back, to the effect that the names were derived from the fact that the animals had been sacrificed on those spots, having been carried up the hills for the purpose.

63. In conclusion, I would remark that, although there is all about the plateau an immense extent of magnificent forest land, well adapted for both Tea and Coffee cultivation, yet the difficulty of access and the scarcity of labor would probably lead to the certain ruin of the pioneers of planting, and considering the great extent of forest which still remains to be opened out in the vicinity of the Ponachy estates, to which Government has opened a road at considerable expense, I should much doubt the advisability of encouraging planters to settle on

these hills, whilst there is still ample forest for all possible requirements in more accessible localities.

64. Lovers of scenery and exploration will, however, find here much that will re-pay the trouble of the trip, and the sportsman will find sufficient game (Bison and Ibex only) to occupy him.

65. Is it too much to ask of any who may avail themselves of the information given in this sketch that they will refrain from murdering the game? If the sportsman requires food for himself or his followers, let him by all means shoot whatever he can get; but that I should introduce to this lovely country such a class of sportsmen (?) as have in a few short years, with yelping curs and armed coolies, destroyed the sport of the Nilgiris, by beating the sholahs and wantonly killing every four-footed animal, be it gravid hind or sucking calf, would be to me a source of continual regret.

The photographs referred to are in the hands of Mr. Kenrick of Ootacamund, from whom copies can be obtained. I beg to state that I have no pecuniary interest whatever in them.

APPENDIX No. 1.

Thermometric Register, Michael's Valley, from April 26th to May 5th, 1874.

Date.	Maximum.	Minimum.	
April 26th	72.3	54.6	Fine.
" 27th	76.6	52.0	Morning fine; afternoon rain.
" 28th	77.9	54.2	Do. do.
" 29th	80.0	50.0	Do. Heavy rain.
" 30th	76.0	54.0	Cloudy; fine.
May 1st	75.0	52.0	Do. afternoon rain.
" 2nd	75.5	50.0	Do. fine.
" 3rd	74.6	54.2	Do. do.
" 4th	76.4	57.0	Do.
" 5th	76.0	56.0	Do. rain and wind.
Mean	76.2	53.4	Mean temperature 64.8.
May 6th	55.0	52.0	Heavy gale with rain.

Thermometers freely exposed in shade five feet from the ground and under thatched roof.

APPENDIX No. 2.

Approximate Heights of some Peaks of the Anamallay Hills.

Poliary	...	...	...	...	8,147 feet	(Baro. 22.13)
Aneitallei	...	...	...	...	7,072 "	(" 23.02)
Karutheikutti	...	...	...	...	7,240 "	(" 22.88)
Kalar	...	...	...	...	7,491 "	(" 22.67)
Shadiandy	...	...	...	...	7,360 "	(" 22.77)
Poinkutti	...	...	...	...	7,210 "	(" 22.90)
Upper Knrumallay	...	...	...	...	4,340 "	(" 25.45)
Bottom of Michael's Valley	...	...	...	...	6,060 "	(" 23.89)
Top of Michael's Valley	...	...	...	...	6,200 "	

The heights are roughly estimated. A mean of Barometric readings was taken whenever practicable. The Aneroid Barometer employed was a very good instrument by Elliott, Brothers, and was set by the Madras Observatory Standard. I took as my guide Airey's Tables calculated from a sea-level with Barometer at 31.00.

Taking the mean of Madras Barometer to be 29.80, this would give a height according to Airey's Tables of about 1,070 feet, which I take roughly to be about 1,040 feet above truth.

I have, therefore, simply deducted 1,040 feet from every observation.

Thus: Mean of observations Conalaur camp, Barometer 23.89.

Height according to Airey's Tables	...	...	...	...	7100
Deduct	...	...	...	...	1040
Height of camp	...	...	...	...	=6060

This is no doubt a rough and ready way of calculation which may amuse the scientific; but to show that it is probably not very far from truth, I give the result of the observation of a known point by the same Barometer—

Dodabet—Mean of observations	...	...	...	...	21.685
Height by Airey's Table	...	...	...	...	9740
					—1040
Height of Dodabet	...	...	...	...	=8700

It is interesting to note, in connection with this, the result of some boiling point observations of the same station, the height of the lower station being determined as above by the Aneroid.

Dodabet—Boiling point (mean of six observations)	...	196° 14, Thermo. 62°
Velamhoondy	...	209° 12, Thermo. 85°
Velamhoondy Baro. 28.72 height	...	= 1040 feet.
Dodabet—Boiling point	...	196° 14, Thermo. 62° = 8627 feet.
Velamhoondy— Do.	...	209° 12, Thermo. 85° = 1576
	2)147	7051

Mean = 73° = factor 1084

	28204
	56408
	70510
	7643.284
Add correction for 8,000 feet	... .. = +23
Difference between stations	... .. = 7666
+ height of Velamhoondy	... .. = 1040

8706 = height of Dodabet above the sea.

The height of Dodabet is entered in the maps as 8,642 or 8,728, the latter being supposed to be the more correct.

Again another example:—

Elk Hill	...	...	...	Baro. 22.165 = 8105
By the map	...	...	...	= 8090

I think these examples are sufficient to show that the heights as estimated by me are probably not very far out.

(Initialled) J. C. H.

Chief Engineer's Memorandum.

I AM of opinion that it will detract greatly from such value as this paper may have if it be not accompanied by the map, which I would have copied on a scale of 2 miles=1 inch, in order that it may agree with the scale of the printed map accompanying Captain Michael's Report of 1863, which it will supersede. I would leave it to the Revenue Survey Department to make the reduction; and the paper of triangulations should be recorded in that department. Mr. Hannington hints at an intention of exploring the high range and plateau to the south of Michael's Valley on a future occasion; and if he were to extend his survey over that tract also, it would not fail to be of general use hereafter.

2. I trust that future explorers of the Anamallays will avail themselves of the route from Coimbatore *viâ* Polachy and the village of Anamallay whence a made-road is under construction to the top of the Punachy Ghaut. It will be rideable in the course of this year; and the rest of the route to Michael's Valley along the upper ravine of the Torakadavoo should be much more practicable than any of the routes from Dhullee, which have to surmount the high ridges bordering that Ravine before they drop into it. The route I recommend is that along which the future high road to the Anamallay high ranges *must* run.

3. I note that the Kartheikutti Hill of Mr. Hannington's map coincides with the Kardyvara of the printed map (not with the Culdacuttimallay as he supposed). It may be well to note the other equivalents of the two maps, as far as I can make them out. The list will be useful if the new map is not printed.

Poliary	...	=	Tunakkamallay.
South Poliary	...	=	Culadacuttimallay.
Palmallay	...	=	Varacolumkoond.
Ancitallei	...	=	Cootichipadum.
Kalar	...	=	Payratmallay.
Viramputti	...	=	Jenaulmallay.

Shadiandy must be the unnamed peak marked on the printed map immediately above the letter *c* of the word coond (Varacolum).

(Signed) G. W. WALKER, COL., R. E.,

Chief Engineer, P. W. D.

OOTACAMUND, }
21st July 1874. }

Photograph No. III, with the map, and Mr. Hannington's description, combine to give a perfect idea of Michael's Valley, even to one who has never seen it.

(Initialed) G. W. W.

Order thereon, 3rd August 1874, No. 967.

The Government are much obliged to Mr. Hannington for his interesting report, which will be printed and laid on the Editors' table.

2. The map and accompanying papers will be sent to the Revenue Survey Department for the preparation of a map on the reduced scale indicated in the Chief Engineer's Memorandum and for record in its Office.

(True Extract.)

(Signed) C. G. MASTER,

Acting Secretary to Government.

MISCELLANEOUS.

TOBACCO—ITS HISTORY AND CULTIVATION.*

(Concluded from page 352.)

IX.—CLIMATE.

Tobacco thrives best in a warm moist climate, and the occurrence of a few showers of rain, after the plants have established themselves after transplantation, as also heavy dews at night, add to their vigour. Frost destroys the plants, and the cold north-east winds are extremely inimical to their health; they are soon blighted by them, unless protected by a close lofty hedge or situated in a sheltered locality.

1. *Culture*.—From what has already been written, it will be seen that the tobacco forms a crop of four months, and that, owing to the minuteness of the seeds and the extreme delicacy of the first sprouts, the plants require to be raised in nursery beds. This is a universal practice in the culture of tobacco, whether grown in America, Australia, Persia, or India. When the plants are sufficiently grown, and are from five to six inches in height, and have thrown out from six to eight leaves, they should be transplanted. The grand secret in the culture of tobacco, whether in first raising it in nursery beds, or subsequently maturing the leaves out in the fields, consists in the preparation of the soil, enriching it with manure containing the necessary elements required by the plants, and in keeping the ground clean and sweet and thoroughly free from weeds. It will be seen from the descriptions given above, that there is not much difference in the mode of culture pursued in different countries. Of course, the plant may thrive in one locality better than in another, and may also attain a greater richness and perfection, which will, in a great measure, depend upon the soil and climate.

Soil.—The best soil for the cultivation of tobacco is a dark grey loam, and the silt or alluvium deposit from streams and tanks is greatly appreciated for the purpose; in conse-

* By Surgeon-Major JOHN SHORTT, M.D., F.L.S., &c., Superintendent-General, Vaccination, Madras.

quence of which, in most districts, river banks and islands formed by the alluvium are preferred, as they abound in the necessary vegetable and mineral ingredients required for the growth and nourishment of the tobacco plant. The land should be freely ploughed or be turned up by the mamooty, so as to expose every part of it to the action of the sun and air; and, where feasible, after being broken up, should be allowed to lie fallow for a season. The soil should be loose and friable for nursery beds as well as for the fields in which they are to be subsequently transplanted out.

2. For nurseries the plots should be freely ploughed up to a depth of twelve or sixteen inches, and be squared into beds of four by six or eight feet, the clods crushed and the surface levelled smooth, and channels formed to facilitate irrigation. The transplanting ground should also receive the same attention.

3. *Manure.*—The best manure to use is equal parts of wood-ashes and good farm or fold yard manure; if preferable, artificial manures may be used, and the composition given in Part VIII of this Essay* is well adapted for the purpose, and will furnish the required materials for the successful growth of the plants. Each acre should receive eight to ten tons of the mixed manure, and the same should be evenly scattered over the ground and be ploughed into the soil as soon after as possible.

4. *Cost.*—The average cost of an acre may be set down at 50 Rupees, distributed as follows:—

	RS.
Ploughing	14
Watering, weeding, &c. ...	15
Land rent	5
Contingencies	16
Total...	50

5. The produce of an acre in an average season is about 1,500 pounds of tobacco, the price varying according to the quality; but estimating the crop at the low rate of 100 Rupees, the result will be a clear profit of 50 Rupees, or cent per cent on the outlay: from this it will be seen that tobacco is a very profitable investment.

6. *Seeds.*—The seed should be of the best description procurable, and the produce of the first crop. After being well dried and freed of foreign particles, the seed should be mixed with an equal proportion of wood-ashes or fine sifted soil, to enable the sower to scatter the seeds evenly over the beds broadcast; after which the beds should be lightly scattered with a hand-hoe or be dusted over with fine pulverized manure, so as to cover in the seeds; and the seed beds should be irrigated for the first time with a watering pot having a fine rose; after

which the usual method of channel irrigation may be pursued. The seed beds should be covered over with straw or cut bushes from three to eight days, to be removed as soon as the seeds begin to sprout. Should the seedlings appear much crowded, they should be carefully pricked out; and, in the course of two or three weeks, as they put out from three to six leaves, they will be ready for being lifted out into the field.

7. The ground or soil into which the plants are transferred, after being well prepared, is laid out differently in the several districts: in some, they are simply levelled flat and the plants are put down in rows two feet apart either way and watered by hand from a chattry for a few days till they become established; after which they are treated as dry cultivation and left dependent on the seasonal showers of rain and the fall of night dews till ready to be harvested. This is the case in all the Northern and Ceded Districts; but in other districts, the ground is squared into beds or into parallel trenches, two or three feet apart, and these beds are flooded by channels from wells, brooks, or other water reservoirs, either before or after the plants are transplanted out, and the watering is continued once in every three or five days, according to the season, till the crop is ready to be harvested, and also immediately before the plants are cut down, so as to render them succulent. In this respect, every cultivator has to make his own arrangements, so as to agree with the varying conditions of the soil, climate, and season of the several districts. No rule can be laid down, but it must be left to each cultivator to act according to the requirements of the particular locality. The same remark is applicable to sowing: for, in those districts which are subject to the south-west monsoon, the sowing season begins as early as June, and is continued up to August, and the crop is harvested from October to December. On the contrary, in the districts subject to the influence of the north-east monsoon, the sowing commences in October and ends in November; and the crop is gathered in from February to March.

8. Careful attention should now be given to the plantation. From the time the plants have established themselves after being put out, they should be examined daily in the mornings, to remove any caterpillars that may be found on them: these should be carefully picked out by hand and destroyed on the spot; at the same time, all side shoots or suckers should be broken off to enable the plant to attain vigor and grow up straight and strong; and, on its attaining from two-and-half to three feet, and containing from ten to sixteen leaves, the tops of the plants should be pinched off to stop their growth further and prevent them from flowering. The number of leaves left should vary with the size and vigor of each individual

* See page 349.

plant, but they should at no time exceed sixteen. The plantation should be scrupulously freed from weeds, the soil kept loose, and the stems of the plants be well earthed up frequently, care being taken to make the stand of plants as complete as possible. As soon as a plant has died off, or has become injured, it should be immediately replaced by one from the nursery, where all superfluous plants should be retained for six weeks or two months after transplantation, to fill up vacancies that may occur subsequently.

9. Tobacco, as already stated, takes about four months to harvest from the time of sowing. As soon as the leaves show a pale green or slightly yellowish color, they are ready for the sickle: the leaves will then emit a strong mawkish or sickly odour and feel rough and somewhat brittle to the touch, the lamina readily breaking in two when doubled.

Harvesting.—Having decided to gather in the crop, the plants should be cut down at between two and three inches above the soil, and be allowed to lie on the field to wither and become pliant till the next morning. Should they not then be sufficiently supple, they may be allowed to remain on the field for another twenty-four hours, when they should be removed and have the stalk end pierced with a hole, through which a cord is strung, in order that the plants may be hung up in the shade to dry for a week or ten days, till the stalks begin to dry, when they should be tied into bundles of half-a-dozen stalks each; and, some straw having been spread on the floor, they should be stacked into a heap, a portion having the stalk end resting on the ground, and the rest reversed the other way; the whole covered with straw and weighted with stones, and allowed so to remain from 36 to 48 hours to promote fermentation. The heat and moisture set up a slow process of fermentation, and a thermometer should be invariably used so as not to allow the heat to exceed 98° Fahrenheit. The heat should be maintained at the same temperature for three or four days, when the stack should be opened out; and, after exposure to the air for a few hours, the plants should be again restacked in the opposite way, so as to bring every part of the stalks and leaves under the fermentative process. The next day, on the temperature reaching 98°, the stack should be unpacked, and the bundles be taken up and hung in the shade exposed to a free current of air for 48 hours; when they should again be restacked into a heap for about 24 hours till they attain the usual temperature of 98°, and be so maintained for three, four, or five days. This stacking, unstacking, and exposure to the air should be carried out on four separate occasions during the month in order that the tobacco be cured. The temperature should on no occasion exceed 98° Fahrenheit. The leaves should now be stripped off the stalks, and sorted and tied into bundles of twenty-five each. The tobacco will have attained

a light brown color; but should the temperature exceed 98° degrees, it takes a dark brown color, and has a strong, rank ammoniacal smell, and possesses the *Karum** which the natives look for and appreciate, but which is so much disliked by Europeans. The tobacco is now wrapt in gunny sheets, with a view to preserve its moisture; but, should it become too dry, to prevent it from becoming brittle, it is sprinkled over with a decoction prepared from the leaf stalks or with a solution of jaggery and water. This is actually necessary in some districts to keep the tobacco moist, and to prevent it from crumbling to powder when transported from one district to another. The object of the sweating or fermentative process consists in the promotion of fermentation by decomposition of the albuminous constituents of the leaves: this, aided by heat and moisture, yields carbonate of ammonia. The organic salts are next converted into carbonates, and the lignin is the last to undergo decomposition. It becomes friable and yields ulmic and a little acetic acid which gives color to the tobacco. Nearly two thirds of the nicotin disappears during the process, being either decomposed or volatilized by the aid of the carbonate of ammonia; moreover, in the fresh plant, the nicotin is found in the state of a salt (malate) insoluble in ether; in the fermented plant, it is found chiefly in the state of acetate or subacetate, when it is soluble in ether; but the true secret is that, by the process of fermentation and subsequent exposure to air, the leaves of the tobacco undergo a slow process of oxydation, by the carbon and hydrogen of the leaves being converted into water, carbonic acid, and ammonia similar to the process, termed by Liebig, *Eremacausis*, from the Greek, signifying slow combustion; but if the fermentation be carried to excess, putrefaction begins, breaking up the constituents into other compounds previous to oxydation; and, as is well known, fermentation is a process by which organic substances resolve themselves into simple compounds preparatory to their resolution into water, carbonic acid, and ammonia.

As regards the manufacture of tobacco, no account ever so clear will make up for a practical knowledge of the subject. Practical experience is chiefly necessary. The native ryot does not use a thermometer and is solely guided by experience: he generally overdoes the thing, more frequently perhaps, as the natives prefer a strong tobacco; and, on that account, the native manufacturer carries the fermentative process to excess. The temperature should, when curing for the European market, be invariably guided by a thermometer.

We shall now review the various methods of curing tobacco by Europeans and Natives in different parts of the world.

* Pungency.

X.—PREPARATION OF TOBACCO.

We have now to consider the preparation of what is known in the "market" as the raw or cured tobacco. In carrying out the process of preparation, much difference exists in the various tobacco-growing countries. This difference, taken in connection with the different climates, in which the process is carried on, causes a difference in the flavour, which greatly depends on the mode of curing. Good tobacco, according to Dr. Royle, as it occurs in commerce, "is of a yellowish brown color, soft and pliable, a little clammy, with something of a honey smell mixed with a narcotic odour; the latter is, however, not obvious in fresh leaves." The taste is bitter, acrid, and nauseous. That the tobacco may obtain this state, much manipulation is necessary, and no rules ever so succinct can make up for a deficiency of practical knowledge; and great forethought and decision will be necessary to modify the process, so as to adapt it to circumstances suited to the locality in which it may be grown.

A—Preparation in America.—In Virginia, the leaves are dried in log-huts, from the roof of which they are suspended; and, when the weather is wet, charcoal fires are lighted and the stem is dried by the smoke, and mouldiness is thus prevented. After hanging for three or four weeks, the plants are, when dry, removed and carefully packed on the dry floor to preserve them from the frost. Should the weather prove very wet they are hung up several times, smoked with a charcoal fire, and replaced in bulk. Lastly, in the month of May they are hung up and so continue till a warm moist day occurs, when they are taken down, and the leaves being stripped off the stalks, are tied in bundles of six or eight in each, with a leaf binding them together, and are thus packed carefully into hogsheads; the butt end of the tobacco touching the cask, and the points directed inwards to the centre. Smoking is injurious, and if the season be sufficiently dry and warm, it is better to cure the tobacco entirely by the aid of the sun.* In Cuba, the stalks are allowed to remain on the soil till after midday, to free them from their natural or acquired moisture, when they are stored; and the following day the leaves are plucked off the stalks and strung up in rows to dry. On the completion of this process, some are put into rolls with the view of being ready for exportation, and the packages are left piled up together. In the storing away of the tobacco into hogsheads, care should be taken to see that each bundle is separately placed, and the leaves have their ends reversed at each alternate tier. If the tobacco be well pressed, each hogshead will contain as much as a thousand pounds of tobacco. Frequently the tobacco is intended for the manufacture of snuff, in

which case the leaves are compressed into handfuls and well corded with a peculiar fibre, so as to harden the balls which, when dry, have only to be rasped to produce the genuine rappee snuff.*

B—In the Phillippine Islands the leaves are gathered and dried in the shade, strung on little sticks, so as not to touch each other and to allow of the free circulation of air. At this time exposure to the sun or air is injurious to the tobacco, causing it to become discolored, and making the leaves dry and brittle. When this happens, the leaves are laid out in the dew for a night to render them moist, and in that state they are left to ferment in bandalas or rows. Care is necessary, as excessive fermentation will rot the leaves. About two days will generally suffice, after which time the packs are turned and allowed to remain thus for three days longer, and are then pressed. Before doing this all the bad leaves are removed, and the good ones allowed to remain on the sticks in rows, but well covered, to prevent getting dry.†

C—Preparation in India.—In Chingleput palm leaves and straw of the *Varagoo* or *Panicum Miliaceum* are spread thick on the ground, and on this the tobacco plants are stacked and covered over with straw and palm leaves and pressed down with stones for five or six days. When the weights, straw, &c., are removed, the tobacco plants are taken up and hung in the shade by their stalks for a few days till the stalks become quite dry, when they are taken down, placed in a small close room, and covered as before with palm leaves and straw, and pressed down by weights. Should the plants have become too dry and brittle, a few stalks are cut out and boiled with a sufficient quantity of water, to which a cake of palm sugar or jaggery is added; and this decoction is sprinkled on the tobacco previous to stacking it the second time. The stack is turned once in three or four days; and when this has been done several times, the leaves are stripped off the stalks, and are tied in bundles, each containing from sixty to seventy leaves. These are again stacked in bundles, and weights are placed on them after being covered with straw, &c. The bundles are re-arranged once every three or four days for two or three weeks, when the tobacco is considered cured and fit for use. In Behar, the leaves are plucked and laid on the fields night and day, so as to have the benefit of the dew and sun, and they are then gathered and packed in straw or hill grass. Before they are packed the stalks are cut away and macerated in water for several days, and the infusion thus obtained is sprinkled freely over the leaves with the view of improving their aroma. This is repeated as often as is con-

* Mrs. H. Lynch, "Wonders of the West Indies."

* Mrs. H. Lynch, "Wonders of the West Indies."

† Colonel Joseph-de-Hetzeta.

sidered desirable, and, after each application, the leaves are repacked. When they have continued thus sufficiently long, the packages are undone and some soil impregnated with alkalis* is sprinkled upon the leaves till they are quite dry. In Orissa, Salem, and a few other Provinces, the tobacco is wrapped up in straw and buried under ground for the first six or eight days. It is then taken up, stripped of the leaves, and weighted, &c.

D—Preparation of the Tobacco of Commerce.—*Shag* is prepared by moistening and compressing tobacco, and then cutting it with a knife-edged chopping instrument.

Returns is another variety of smoking tobacco. *Kanaster* is a favorable kind prepared from *Havanah* tobacco. It received its name from *Canastra* (a Spanish word, signifying a basket) because it was sold in baskets. The term is now also applied to the tobacco from *Varinas*. *Pigtail* and *negrohead* are chewing tobaccos. Cigars and cheroots, the latter distinguished by their trunkated extremities, while cigars have a pointed extremity, called the "curl" or "twist," are extensively manufactured in London. *Woodville's* cigars and *Manilla* cheroots are in request by smokers. "In the manufacture of snuff, the tobacco is fermented by placing it in heaps and sprinkling it with water. It soon becomes hot and evolves ammonia. The extent to which this process is allowed to proceed varies with different kinds of snuff. The immense variety of snuffs found in the shops are reducible to two kinds; viz., dry snuff, including the Scotch, Irish, Welsh, and the rare Spanish; 2nd, moist snuffs or rappees, under which are included simple rappee (as the brown and the black, the Cuba, the Carotte, the Bolangero, &c.), mixed rappees (as *Hardman's* genuine, No. 37), and the scented rappees (as *Princes* mixture, *Princeza*, &c.) The Scotch and Irish are prepared for the most part from the midribs; the *Strasburgh*, French, and Russian snuffs, from the soft part of the leaves. The rappees are usually kept moist by pearl-ash. *Sal-Ammoniac* is frequently added to the snuffs. The siftings, sometimes termed thirds, are usually reground." Tobacconists employ in the preparation of tobacco a solution of sea salt sp. gr. 1.107: this is termed the sauce or liquor. In the preparation of the *Macouba* snuff of *Martinique*, *Molasses*, or a solution of extract of liquorice, is added to the salt sauce by which this snuff acquires a violet color.†

E—Manufacture of Cigars.—Men, women, and children are employed in the manufacture of cigars. The lamina of the leaf is torn off the midrib, and each half of the leaf is passed to a second person, who, with the assistance of a third, crops off the refuse, which is placed

in the leaf, a broom stick or thick straw being fixed in the centre. The leaf, with its contents, is rolled into a cigar, when both ends are cut or the free end moistened with gum and fastened, all this is completed very quickly. All Indian cigars have the broomstick, the object being free ingress of air, and that the cigars may draw well when smoked. To prevent the tobacco getting dry and brittle, a decoction of the stalks is frequently sprinkled over the leaves, and they are kept well covered. In some places a little nitre is added to the decoction. In India, imitation *Manillas*, *Trichinopoly* cigars, and *Lunkas*, are the great favorites. In *Calcutta*, *Chinsura* cheroots are well spoken of. In Europe, *Havanah* cigars are the most prized. Cigars have also fancy names given them according to the locality in which they are manufactured or the name of the maker. The tobacco met with in commerce has a brownish color, a strong narcotic and peculiar odour, and a bitter nauseous taste. The dark-colored tobacco is the strongest.

The following are the principal commercial kinds:—

F—American or North American.—The *Virginian* is one of the strongest kinds, and is therefore not fit for cigars, but is smoked in pipes, and is used medicinally, or for the manufacture of snuff. Its color is a deep brown, and the leaves feel unctuous. The *Maryland* is paler, yellower, weaker, and fit for smoking purposes. The pale cinnamon is the best, the "scrubs" the most common. The *Carolina* is less frequently met with.

G—South America.—The *Havanah* is most esteemed for smoking. Its color is yellowish brown; its odour musky or spicy. It is imported in heads. The Cuban tobacco is an excellent kind. Both these kinds are remarkable for the light yellow spots on the leaves. The *Columbian* is imported in heads and leaves, and is much esteemed for cigars. The *Varinas* is brought over in rolls; the *Orinoco* in leaves; the *Porto Rica* in rolls; and the *St. Domingo* in leaves.* The tobacco of *Paraguay* is scarcely, if at all, inferior to that of *Havanah*.†

XI.—DESCRIPTION OF INDIAN TOBACCO.

The tobacco leaves of Southern India are of a yellowish brown color, soft, pliable, and moist, of a strong narcotic and rather unpleasant odour when well prepared; otherwise it has a sickly mawkish smell with a bitter, nauseous, acrid taste. The localities in which the tobacco is grown, and the modes of culture and cure adopted, give rise to variations of greater or less degree from the above description. East Indian tobacco has never attained a high repute, doubtless from its culture not having received attention. The *Manilla* is much esteemed. It is a dark colored tobacco.

* Known as "Dhobies' earth," containing impure carbonate of soda, or potash.

† *Ure's Dictionary of Arts and Manufacture.*

* *Pareira's Materia Medica.*

† *Mansfield's Paraguay, Brazil and Lakate.*

The following are the principal kinds met with in commerce:—

1. Bhilsa is largely produced and exported to most parts of India, and is the kind most in demand. It is used chiefly in smoking and chewing. It is generally of a dark brown color with a strong narcotic odour.

2. The Lunka* of the Northern Circars is in great request for the manufacture of cigars and snuff, and for chewing. The celebrated Masulipatam snuff is manufactured from it. A good deal of tobacco, the produce of various villages, often finds its way to different parts of India, and, when procured from the bazaar, it is difficult to distinguish one kind from another. Cheroots were sent to the Madras Exhibition of 1855 from Trichinopoly; and a large supply of Lunka cigars, manufactured from the *nicotina rustica* on the islets of the Godavery, where the cultivation is rapidly increasing, were also exhibited. The Lunka cigars exhibited were of a superior quality, and the whole stock sent to the exhibition, amounting to 40,000, was purchased and sent to the Crimea. Manufacture exercises a great influence over the quality of tobacco. Some samples of the cheroots exhibited were very badly prepared and of an inferior quality. Two bottles of snuff from Masulipatam were sent to the Madras Exhibition of 1855; this appeared oily and moist.† To the Madras Exhibition of 1857 tobacco was sent from Chingleput, Coimbatore, Masulipatam, Pegu, Rajahmundry, Moulmein, Madura, Tanjore, Hyderabad, and Vizianagarum. The tobacco from Tanjore was considered the best, that from Rajahmundry the next, and all the rest inferior. To the London Exhibition of 1862 tobacco was contributed from Mysore, Wellesley, Penang, Moulmein, Rangoon, Akyab, Arrakan, Sandoway, Cuttack, Assam, Ahmedabad, Poona, Midnapore, Lucknow, &c. A medal was awarded to Colonel Phayre for sound, well-grown, and fragrant leaf-tobacco, and the Government received honorable mention for leaf-tobacco. The Shiraz and the Salonica (ancient Thessalonica) are valued Asiatic kinds, as also the Latakia, or Laodicean. Turkish tobacco is pale and yellowish.

3. *European Tobacco*.—The only European tobacco extensively consumed in England is the Amersfoort, a Dutch tobacco. Several German, Hungarian, and Ukraine tobaccos are occasionally met with. (*Sinsheim Die Rauch u Schnuff. tabako Fabrikation*, 1826.)‡

XII.—USES OF TOBACCO.

Tobacco is now in very general use in all parts of the world, either in the form of chew-

ing, smoking, or snuff-taking. Tobacco-smoking among the natives of America seems to have been of very ancient date. The tobacco was either rolled up in leaves and so smoked, or was placed in pipes manufactured for the purpose, and consisting of a small cup or bowl attached to a tube, through which the fumes were drawn to the mouth of the smoker. This mode was adopted for the sake of economy, as thus no part of the tobacco leaves or stem was lost. The various kinds of cigars and cheroots are made to suit the fashion of the day; and, as a rule, a part at least, about one-eighth, is thrown away unconsumed owing to the heat it conveys directly to the mouth on becoming short. Both smoking and chewing are very general in India, not only among the more civilized natives, but also among the wild tribes that inhabit the jungles; these are not able to do without tobacco, and cultivate it for their own use. Pipes are not much in use, cheroots being the usual form in which tobacco is smoked by the natives. The poorer classes roll up a small piece of tobacco in a large leaf and double it in the centre, when the upper opening is filled with powdered tobacco. The leaves are then doubled to a right angle to prevent the tobacco falling out. Such rolls of leaves are often carried about, stuck in the string usually worn round the waist. Smoking is practised by women and children as well as by men.

1. *Chewing*.—If anything, this is more practised than smoking. Most betel consumers make use of tobacco with their betel-compound. The poorer classes who cannot afford betel use tobacco alone. The leaves of the tobacco are used for this purpose, and a piece is taken off as required and retained in the mouth like a quid. In some parts of India I have met with natives who powder the tobacco and place it between the lower lip and teeth.

2. *Snuffing* is a general practice among the natives: both dry and moist snuffs are procurable in the bazaars. Most of these are prepared in the different towns and villages, and many people prepare their own supply. The only snuff that is imported is the celebrated Masulipatam snuff, which realizes about 2 or 3 Rupees the quart bottle. I have never yet met with native tailors, no matter of what caste, who did not snuff; they say it clears the eye-sight. Snuff is sometimes prepared on the spot. A native will smear the palm of his left hand with chunam, and then drying by the fire a piece of tobacco till quite brittle, will place it on his palm thus smeared, and bruise it to powder with the right thumb, when it is ready for use. The more wealthy frequently scent their snuff with otto of roses, sandal wood, or some other scent.

Snuff boxes of all kinds, made of various metals, horn, &c., are in use. Natives frequently

* From Lunka, an Island.

† Jury Reports.

‡ Pereira's *Materia Medica*.

use the base of the dried stalk of the plantain, or that of the areca nut, for keeping their snuff in. Shells of different fruits are also in use, of which may be mentioned the cocoanut, bael, wood-apple, seed of the *Culophyllum Inophyllum*, or Alexandrian Laurel.

3. *Medical Uses*.—Tobacco is useful in various complaints, such as dropsy, colic, strangulated hernia, tetanus, asthma, &c., &c., but its use always requires great caution. It is generally used as an infusion, one ounce of tobacco to a pint of boiling water; but it is more frequently administered in the form of an enema. The principal effect of tobacco is its power of relaxing the muscular fibres by the depression it causes, and of producing a purgative, emetic, or diuretic effect. Tobacco enters largely into Indian Veterinary Medicine, and is also used to destroy vermin either in the case of man or beast. It is in general use in the form of a strong decoction, and is thought to prevent the ravages of insects. Here also care is necessary as to its indiscriminate use as an insecticide to man or animals.

XIII.—PHYSIOLOGICAL EFFECTS OF TOBACCO.

The effects of tobacco are sedative, antispasmodic, purgative, emetic, and diuretic. These effects are dependent on the quantity and mode of administration.

Tobacco, smoked for the first time, produces nausea, sickness of stomach, and vomiting, depressing the action of the heart and arteries. In those habituated to its use, it produces a soothing or calming effect on the system. In some peculiar temperaments it even produces poisonous effects. Although like all similar habits it would be better were it never contracted, the use of tobacco does not generally do any harm, and may, in some instances, be beneficial; but, within my own observation, the immediate use of tobacco has sometimes produced very serious results. Many of the ill effects of tobacco-smoking might be avoided by the use of a silver, ivory, or other mouth-piece, and which, before being affixed to either cigar or pipe, should be loosely stuffed with a little cotton-wool. The adoption of the mouth-piece, in the first place, saves the lips from the direct irritant effects of the tobacco itself, which is a great advantage. And the cotton-wool arrests the empyreumatic and other oils that the cigars contain without interfering with the process of smoking, or with its soothing effects. This may be proved by the fact that the wool will be found saturated with oil, &c., if examined afterwards.

Snuffing produces at first violent sneezing; subsequently it rouses the nervous system for the time being.

Chewing acts as a sialogogue by increasing the flow of the saliva. Taken internally, it

causes nausea, vomiting, and vertigo, with great prostration of the system: these effects are in proportion to the dose administered. In poisonous doses the prostration increases, the pulse becomes small, low, and tremulous; the skin gets cold and covered with clammy perspiration; and confusion with imperfect vision and syncope take place. Tobacco acts on the nervous system, and, by depressing the heart, causes palsy. It should always be considered a potent, unreliable sort of medicine, and requires great caution in administering as a remedy. Immoderate smoking causes nervousness in persons of peculiar temperament. Its sudden withdrawal has no prejudicial effect on the system beyond the feeling of requiring the usual stimulus at the accustomed hour, and it only requires a little moral courage to shake off the habit. I have known many inveterate smokers (Europeans) who have suddenly forsaken the habit without any prejudicial effect; and an experience of seven years of jail-practice, in which I have carefully watched the sudden and complete withdrawal of tobacco, in all its forms, from native convicts, convinces me that the sudden withdrawal of tobacco exercises no ill effect on the individual; for I have never seen any such consequences ensue, nor have the persons thus deprived of their accustomed stimulus attributed any ailments to this cause.

XIV.—COMMERCE, STATISTICS, &c.

Tobacco, notwithstanding all prejudice against it, continues to prosper and drive a thriving trade, and the demand for the article is enormous. Notwithstanding the extent to which the commerce has extended, its price having tripled or quadrupled what it was some twenty years ago, the consumption is still daily increasing; and, if the supply were in proportion to the demand, the latter would no doubt greatly increase. Although the supply of 1863 is said to be two millions of pounds greater than in 1862, the price has not in any way been affected. In 1820 the proportion consumed or allowed to each individual was about 12 ounces; and in five years the quantity had increased to 15 ounces. In ten years smoking became so general that 1½ pound was necessary to supply the cravings of each person. In the subsequent ten years 1½ pound was greedily purchased; and, had a larger supply been forthcoming, it would have met with ready purchasers. Yet, we should call to mind that, perhaps, fully one-half of the population, including women and children, do not smoke, and a large proportion of males dislike the weed; nevertheless, the consumption of tobacco is so great, that the investment in tobacco cultivation would be equivalent to other staple products, such as cotton, coffee, and indigo, if the necessary attention were paid to it.*

* Madras Daily News.

The late American war centred the attention of nearly the whole civilized world on the subject of cotton, to the exclusion, I fear, of other products, such as tobacco, which, if not equally useful, is of great commercial value, and for which, like cotton, we are principally dependent on America, while India is at all times capable of producing both cotton and tobacco.

The English, of all European smokers, smoke the strongest tobacco, and consequently prefer the American to the Asiatic kinds, which latter are principally consumed in Asia itself, or by the European nations bordering on it.

XV.—SUMMARY OF THE SUBJECT.

Man, in the earliest age of the world, sought out substances for food, and materials for clothing; but his wants in these respects being supplied, he soon began to surround himself with luxuries which, from the force of habit, and increase of civilization, gradually became necessities. Intoxicating and stimulating drugs and beverages came to be used; and man became so enslaved by pernicious habits, that it was impossible to eradicate them from his nature. The use of such stimulants led to their abuse, and arguments founded on religion and morality were urged against their use, but without avail. Tobacco, only introduced in the 15th century into Europe and Asia, &c., has become so absolutely necessary to mankind, that there is scarcely a portion of the inhabited globe, perhaps, in which it is not known and appreciated. Thus a plant that otherwise would be considered a worthless weed is now one of the staple products, and adds largely to the revenue of most nations. Thus too, a habit acquired from wild and barbarous Indians by a few travellers has become a necessary to civilized nations, and the cultivation of tobacco has become of great importance, more especially when we consider that the demand is daily increasing. It will be seen from this essay that much care and attention are given to the cultivation of tobacco by the natives of Southern India, but that the seed is indifferent, and has more or less degenerated from long use in the same districts. I had occasion, in May 1862, to call the attention of the Madras Agri-Horticultural Society to the subject of tobacco, and I suggested that foreign seeds of the best description should be procured and distributed. This has been done since through the Board of Revenue and the Agri-Horticultural Society, Madras. The cultivation is extremely remunerative, and, according to the method detailed as in use at Chingleput, a profit of about 50 Rupees is realized on every cawnie of land; but in consequence of the time and labour required being greater than in other cultivations, from the close attention which the tobacco plants require, the ryot can ill afford to bestow sufficient time on its culture without neglecting what he considers his more legitimate occupa-

tion of growing cereals: he seldom extends the cultivation of tobacco beyond one-sixth or one-fourth of a cawnie of land. There is also difficulty in disposing of the produce in many districts. But should a fair demand be created, there is every reason to suppose that a superior article will and can be produced equal to the best American. The distribution of superior varieties of seed should also be continued, and prizes for the best samples be given to the ryots in the different districts annually, to give greater encouragement to the growth of tobacco by such means. I fully believe that the cultivation of tobacco could be greatly extended and improved, so much so as to place India in a position to compete with America in the growth and supply of this article.

PLANTER-LIFE IN BEHAR.

(By A. FORBES, *Special Commissioner of the Daily News.*)

THE indigo planters have their poet laureate, and many a time and oft, since first I heard the rousing stave sung down in Hajepore by one of the worthiest of genial good fellows I ever met, I have caught myself humming the chorus of the "Planter's Song." Here it is:

Sing hi, my lads, sing ho;
Drive on, my lads, hi ho—
Who wouldn't spend his days
In a planter's bungalow?

Who, indeed! To one blessed with good health, the faculty of disregarding sun-heat, and the capacity of undergoing a fair amount of exertion, the life of an indigo planter in Tirhoot or Chumparun is very full of wholesome, manly pleasure, and has as few troubles as a reasonable man can well expect. The indigo planter is fairly well paid, for the most part he is well housed, his work is arduous at certain seasons, but at others he has plenty of leisure; society is within his reach at the cost usually of a couple of hours' ride; he has his daily newspaper, and never need want for new books and the recent periodicals; he can get pig-sticking almost whenever he wants it, and enjoy the varied pleasures of a race-meet every now and then; he can get to Calcutta in a couple of days if he wants to visit the capital; and last, but not least, his lot is one which he does not ordinarily find insuperable difficulties in persuading the girl of his heart to share. In the old uncivilized days things were different. I have spoken with an elderly gentleman who, earlier in life, had lived seventeen years without seeing a European lady, and, indeed, he could reckon on his fingers the white faces he had seen. Those were the days of "no heel taps," of discreditable indigenous connections, and of a roughness in manners which has now altogether disappeared. Planter-life in India has now very many features in common with country-

life in a good country at home. British ladies are no longer phenomenal in the Mofussil by reason of their rarity, and their presence has exercised its invariable influence; it has sweetened, elevated, and purified country-life in India.

An indigo "concern" is an affair to be spoken of with respect and consideration, for it represents much capital, much outlay, and, with good fortune and good management, much profit. A "concern" generally consists of one head factory, with several "outworks," that is, outlying indigo farms, too far distant from the chief centre to be superintended therefrom in detail, and on each of which therefore there is a resident assistant, who not only raises indigo, but manufactures it where grown in the vats and presses of the sub-factory. This is not the place for entering into an explanation of the difficult question whether indigo planting is beneficial or detrimental to the agricultural interests of the native population; nor if it were, have I that familiarity with the condition of the topic which would warrant me in making the attempt. It seems to stand to reason that a grasping and unscrupulous planter can do not a little harm in this way; but planters of this character are few and far between, and I can testify to this, that the native villages in the neighbourhood of indigo factories almost invariably wear a more prosperous aspect than those in districts where there is no indigo cultivation. It is a happy accident for Tirhoot and Chumparun in the present season of dire trouble that there are indigo planters within their borders. But for them, the adequate transport of grain into the distressed districts would have been an impossibility, and the devotion with which the planters are laboring to assuage the sufferings of the native population around them is one of the few bright spots on the sullen desert-surface of the famine.

An apprenticeship must be served to indigo planting as to most other avocations. A youngster comes out from England, as ignorant of the language and the ways of the natives as he is of the art and mystery of cultivating indigo. For a year or two he has no "charge," but abides at a factory, where he learns the business and the language under the tutelage of an expert. Then he blossoms into an "assistant," gets the local management of an outwork factory into his own hands, and virtually commences an "indigo career." He may be an assistant for years, on a salary of Rupees 200 a-month. But his bare pay, whether it be two hundred rupees as an assistant or triple that sum as a manager, is not to be regarded as an index of his remuneration. He has his bungalow rent-free, the factory finds him in horseflesh, since horses are necessary to enable him to do his work; it finds him also in servants, in bread, lights, and garden-produce. There is a commission on

the "make" of the year which commission often is worth more than the salary; and there are such perquisites as "salaamis," &c., into the mysteries of which I do not pretend to have penetrated. If a fellow is of an economical turn, he may be able in a good year to lay by the whole of his pay. Then, if he has capacity, and still more if he has interest in combination with capacity, he attains unto the more eligible position of a "manager," with personal charge over the principal factory, and the supervision of the outworks. From manager he may "get into a concern," beginning probably with a "one anna" share, and gradually improving his foothold till he owns a concern all to himself. But, whether assistant manager or managing proprietor, he is always the same frank, genial good fellow, ever ready to give himself trouble for the behoof of the stranger within his gates, ever full of energy and "go," doing his work and enjoying his pleasure alike with equal vigour and stout British manliness.

The life of an indigo planter is by no means all beer and skittles. For some six months in the year he is in the saddle from six o'clock in the morning until noon, superintending the ploughing, the sowing, the weeding, and the reaping. About the end of June "Mahaye" begins, and lasts until the beginning of September. "Mahaye" is the manufacture of the indigo, the mashing and beating of it in great vats, the running of the water into other vats, and the treatment of the stuff through various stages until it emerges from the "presses"—veritable indigo worth ever so many Rupees a pound. "Mahaye" occurs in the very hottest part of the Indian year; but the indigo planter must disregard the heat if he is to keep up his character and earn commission. He spends hours every day in a little shed perched high over his vats, whence he can superintend the labors of the coolies, and see for himself that the mashing is thorough, and the running off takes place in the nick of time. He must generally pervade the press-house, and it will not do for him to be dainty over a stain of blue on his hands or face. He must superintend the storing, for the mild Hindoo is not proverbial for honesty, and feels sorely tempted when the chance offers to carry off a piece of indigo which will hardly make a knot in his cummerbund, and yet for which he can realise a rupee. When "Mahaye" is over, the cold weather is thinking of setting in; and then, after giving a start to his cultivation, the indigo planter feels himself a free man for a season. His holiday time has come, and he is the man who knows how to enjoy a holiday time.

A current of pleasant social intercourse ripples on all the year round. The distances are great, no doubt, from factory to factory, but distances go for little among men who have

many horses, and to whom physical exertion is more of a pleasure than a toil. A man thinks nothing of driving or riding thirty miles to drop casually in on a "neighbour," see the pleasant face and hear the pleasant voice of a lady, and play a game of billiards with her husband or her father. It is not often that there is a set dinner party at the house of a planter, but it is not often that he dines without a guest or guests at his table, especially if he is a married man. At every meal a spare cover or two are laid on chance, and somebody or other is pretty safe to turn up and use the knife and fork. Hospitality among indigo planters is not reckoned a virtue; it is a custom—an affair of habit, and nobody thinks it anything else than a matter of the commonest course. Stranger and friend are welcome alike. The latter requires no letters of introduction; and the only difficulty which he experiences is in being allowed to go away. Home hospitality has passed into a proverb, but it must be said of us that we are hardly enthusiastically willing to lend our horses. But lending his horses is an every-day custom with the indigo planter; indeed I have sometimes thought that he keeps horses in order that he may lend them. Without this readiness to lend horses, it would be impossible to get about the country. But with a day's notice, one may drive fifty miles between day-break and dinner; and this too although the run of each horse is only some four or five miles. It is all managed for you without any trouble. Mr. —, with whom you are staying, sends on a note to Mr. — at the next factory, who sends on to the next, and so the thing is done. At every five miles you find a horse waiting for you, which you use, sending your "salaam" to the owner, of whose very name you may be ignorant.

Nothing has surprised me more than the success with which the planters keep abreast of the world in literature and information. To every factory comes daily the *Pioneer* or the *Englishman*, two or three days old, according to the remoteness of the locality. By the English mail come out the *Indus News*, the *Mail*, the *Illustrated*, the *Graphic*, and *Punch*. Then every group of factories has its own book club and magazine club. The secretary of these is almost invariably a lady, and the books are circulated from factory to factory by messenger-peons. "Mudie's" is the great fountain-head whence these book clubs are fed. The secretary keeps her eye on the advertisements of new books and receives suggestions from the members; and she sends home from time to time a list of the books which are desired, which duly arrive by return mail. The budget is by no means entirely made up of novels, and I have seen some uncommonly tough reading among the *olla podrida* of a book club. In remote places, where life is very quiet, excitement becomes very intense as to the

denouement of a good story which is running its course in a magazine.

While doing his work like a man, the planter contrives to pack a deal of amusement into his life. I believe him to be the original inventor of the game of hockey, now so popular at home. In the cold weather, match follows fast upon match, and some of the ponies are prodigies of speed and dodginess. Nearly all the planters belong to that gallant regiment the "Tirhoot Mounted Rifles," to which Chumparun furnishes the contingent of a troop. The troops meet occasionally for drill at their respective head-quarters, and after drill there is sure to be a hockey, and as likely as not a ball. Once a year there is a grand parade and inspection at the regimental head-quarters, and fair ladies look upon the wheeling, the charging, and the ball practice of the gallant mounted riflemen. I don't think there is a planter's bungalow in the district that has not in it a sheaf of boar spears, and the sport of pig-sticking is enthusiastically engaged in whenever an opportunity occurs. A man will ride two hundred miles, there and back, for the sake of making one in a pig-sticking party. A few of the planters keep race-horses, doing their own training and riding; and a man who rides boldly in a steeple-chase over an Indian country must not stand particular over the breaking of a few of his bones. One of the best and most successful gentlemen jockeys, perhaps, in India, both over a country and on the flat, is a Chumparun planter, who trains and rides his own horses, and is reported not to have a single bone in his body that has not been fractured at least once. A race meeting in Behar is a mighty serious business. At home we go to Ascot, or to the Derby, or Goodwood, make a day of it, and have done with it. In country districts, to be sure, the race ball remains an institution, but it comes only once a year, and when the last carriageful has left in the grey dawn, the Assembly rooms in the county town return to their sombreness, and are available for lectures, bazaars, and cheap readings for the rest of the year. But here a race-meet lasts over a fortnight, there being racing every alternate morning, and a ball every alternate evening. At the Sonapore meet, on the plain near the junction of the Gunduck with the Ganges, all the company abide throughout the festival in tents. Parties are made up of considerable size, each party having its own camp. Dressing, dining, flirting, and dancing are the order of the day and night, and men lose at once their money and their hearts. The balls are held in the large room on the ground-floor of the race-stand, and people come from afar off—from Calcutta, Bombay, and even from Ceylon—to participate in the varied round of pleasures which the Sonapore meet affords. The planters muster strongly, and carry off their own share both of ladies' smiles and

of cups and stakes; but they are beginning to prefer the less cosmopolitan meets at Mozufferpore and Moteebaree. There have been times when lady partners were somewhat rare in the long ball-room in the Jordan Chupra; but last year, I am informed, the fair sex did so abound that positively there were wall flowers. It is an even chance that the married planter of Tirhoot has met his fate at a Mozufferpore race-meeting, and numerous engagements take date from that pleasant festival. Such an occasion, indeed, is it for engagements that a lady has been known to commit herself in this way to two different gentlemen at the same meet,—a procedure calculated to result in some embarrassment, not to speak of the confusion entailed. If our married planter has not found his wife at some such gathering as this, the chances are that she is his old sweetheart of the early days at home. The couple have loyally kept their pledge, and when the man finds himself in a position which entitles him to marry, his betrothed comes out to him, and lives with some lady friend until they twain are made one flesh. Then the wife is brought home to the husband's bungalow, and the modest married life begins. I know nothing prettier, purer, and more genuinely true and natural, than married life in the Indian Mofussil. The conditions of their life seem to knit man and wife in a peculiarly tender union; not alone are they man and wife, but comrades and friends as well. The man is elevated by marriage; the woman never deteriorates. My life here has been one of hurrying and scurrying, affording but scant opportunity for social intercourse; but there rise up before me as I write, not one, but many pictures of happy pure domestic households into which I have had a glimpse since I crossed the Ganges at Hajeeapore.

In truth, the British-hood of the whole district seems one happy family. I believe there is some jocular jealousy between the planters of Tirhoot and Chumparun which finds harmless expression in such a stanza as the following:

It's all very well to loaf and swell
In Mozufferpore and Sarun,
But give me the place that goes the pace,
Hurrah for old Chumparun!

But they don't quarrel when they meet, but shake hands and call each other by the most amazing familiar nicknames, which to me are a source of inexhaustible amusement. Every man has his nickname, and let it be ever so personal and rasping, he answers to it in the cheeriest way imaginable. It is embarrassing, it will be admitted, to the entire stranger, to hear a gentleman with whose real name he is unacquainted, addressed as "The Long Thief." You don't like to call a man "Long Thief" whom you have not known five minutes; it occurs to you that it might be regarded as a liberty. But what are you to do

when you don't know any other name, and when you find him answering to that name as readily as if it had been bestowed upon him in lawful baptism. In familiar intercourse no man is addressed by his right name, but by his nickname. "Hallo, Boach!" shouts your companion to a gentleman whom he describes in the office in a buggy. "How goes it, Mangel Wurzel?" is the ready rejoinder. One knows what a mangel wurzel is, and conjectures that the name may have been bestowed by reason of a presumed agricultural origin; but whence "boach," and what may "boach" be? "Boach" turns out to be the native for alligator; and you feel that the subject does not demand further investigation.

Pallida mors occasionally shows its wan face in the planter's bungalow, as everywhere else; and when it comes it seldom dallies over its errand. You may lunch with a man who is in rude health, and when dinner-time comes you may hear that he is dead. Only the other day I visited a young planter whose lines seemed to me to have fallen in very pleasant places. He had just married a fair young wife, he himself was "full of lusty life," and around the pair it appeared to me that there was everything which could make life pleasant. A little later I was staying with the uncle of this young planter, from whom but the day before had come a letter announcing an early visit. The morning brought a telegram—"David is lying most dangerously ill." The uncle made hurried preparations for the long journey, for he knew full well the meaning of a dangerous illness in India. But before he had started there came a telegraph peon hard on the heels of the first, with the laconic message, "David died at ten o'clock." So the journey of the uncle was no longer that he might see his nephew alive, but that by dint of hard travelling, he might lower his nephew's head into the grave. There is hardly a factory garden in the corner of which there lives not among the blossoming shrubs the quiet *memento mori*, in the shape of tombs. At some of the old factories there is quite a little grave-yard, where the children lie side by side with old folk, and where the story of the factory is written in brief on the tombstones. But we can die but once, and the graves in the garden are not to throw a gloom over the cheerful planter-life. Each man to his calling; but I often find myself wishing that the avocation of an indigo planter were my own, and that I had a veritable claim, and not merely a courtesy-privilege, to join in the frank, simple doggerel chorus—

Then let us pull together, boys,
Drown envy, care, and strife;
I pledge each brother planter,
And each brother planter's wife;
For the dearest, sweetest, best of all,
Are the ladies whom we know.

—*Indian Economist*, July 31, 1874, p. 322.



